

Contra Costa County

Adult Correctional Facilities Master Plan

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Overview of the

Adult Correctional Facilities Master Plan

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I. INTRODUCTION

This paper is one of three Adult Correctional Facilities Master Plan publications. The Overview describes the master plan development process, summarizes the key findings and high priority recommendations, and outlines the policy and budget issues raised by the findings and recommendations. The second publication, The Adult Correctional Facilities Master Plan Report, contains a description of the material in the research documents published during the planning process and includes a discussion of all the program and facility options presented. The third publication, The Adult Correctional Facilities Master Plan Notebook, contains eleven separate reports with the detailed documentation and recommendations regarding the adult corrections and detention system in Contra Costa County.

II. PLANNING PROCESS

In June 1980, the Criminal Justice Agency, under contract to Contra Costa County, began a comprehensive planning study of the County's adult correctional program and facility needs. As sponsor, the Board of Supervisors wanted a plan to maximize the useful life of the new County Detention Facility while anticipating future space needs. The study's purposes were to produce a specific short-term and long-term guide for developing programs and facilities, as well as to establish an ongoing correctional planning and implementation process.

Awareness of the need for ongoing correctional planning grew out of the County's experience in replacing the old Main Jail in Martinez. By 1965, the inadequacy of the Martinez jail was apparent. Overcrowding was chronic and inmate control became extremely difficult. There were two major prisoner disturbances causing property damage. Under pressure to improve the detention facilities, County decision-makers spent one million dollars on planning and architectural designs for a new main jail. The project encountered substantial public opposition.

In 1976, the County Administrator, with the support of the Board of Supervisors, initiated a new cooperative planning process. This process included the active participation of all elements of the criminal justice system, city officials and citizens. Community input on a regular basis was a critical element in the development of the new detention facility. County officials realized that continuation of an effective correctional planning process could help avoid crisis situations from developing within the detention system.

Research for the Adult Correctional Facilities Master Plan was directed and supervised by a Technical Task Force composed of representatives of major County justice agencies as well as representatives from County and city government and law enforcement agencies. The work was evaluated by task force members for its accuracy, and recommendations were assessed for their feasibility and potential impact on the system.

Master plan reports were also presented to the County's Correctional and Detention Services Advisory Commission (CADSAC), composed largely of citizens. Commission members reviewed master plan recommendations in light of the County's adult correctional and detention goal of "the maximum use of cost-effective alternatives to incarceration, consistent with public safety, and where such alternatives are not adopted, the constitutional, secure and humane detention of arrested persons who cannot be released and the reduction of recidivism through the provision of cost-effective health and social services."* Commission members formed subcommittees to research in detail a number of the major planning issues raised in the master plan. The recommendations formulated as a result of this research were forwarded to the Board of Supervisors in July 1981. Some of the recommendations are currently being implemented by the Sheriff; others are still under consideration.

Planning assumptions were developed at the outset to provide guidance in plan development. These assumptions were based on a review of relevant resource

*Resolution Number 79/909, September 1979, p. 2.

material and interviews of criminal justice officials and others involved in corrections. (Correctional Facilities Master Plan, Phase I, Planning Assumptions, September 1980.)

The bulk of the work on the master plan involved gathering and analyzing data needed to develop program and facility options. Data was collected on the profiles of inmates, the historical and current incarcerated population, physical facilities, pretrial and post sentence release mechanisms, and incustody programs and services. (Correctional Facilities Master Plan, Phase II, Physical Facilities Inventory, February 1981; Health Care and Criminal Justice, February 1981; Incustody Programs and Services, February 1981; Alternatives to Incarceration, March 1981; Population Projections for the Contra Costa County Detention and Corrections System, November 1981.)

Additional special reports were prepared on significant issues that arose during the planning process. These reports were:

Use of Old Jail as a Detention Facility, April 1981

Holding State Prisoners in County Adult Detention and Corrections Institutions, May 1981

Jail Citation Release Procedures in Contra Costa County, September 1981

Overcrowding in the County Detention Facilities, October 1981

Program and facility options were presented to the Technical Task Force for discussion and review. Consensus was reached regarding recommendations which County staff should pursue immediately and in the future.

The final phase of the master plan is the presentation of the recommendations to the citizenry of Contra Costa County through workshops and a public hearing process. The purpose of this process is twofold: (1) to educate the citizenry regarding the issues and dilemmas faced by County decision-makers and corrections officials regarding the level of County corrections services, programs and facilities, and (2) to allow citizens to participate in the County corrections planning process.

III. KEY FINDINGS AND IMPACTS

Recommendations were based on information collected for the master plan. Major findings include:

- The incarceration rate in Contra Costa County has been rising significantly over the last four years. The incarceration rate in 1978 was 1649 persons per 100,000 population per year. In 1981 the rate was 2348 persons per 100,000 population. The incarceration rate is expected to continue to rise in the 1981-1987 time period to a rate of 2800 to 3670 persons per 100,000 population per year (see Figure 1). If no major changes occur in current practices, there will be a need for additional bed space during this time period. The State Board of Corrections' current cost figures for new bed space range from \$40,000 per bed for minimum security beds to \$65,000 per bed for maximum security beds.

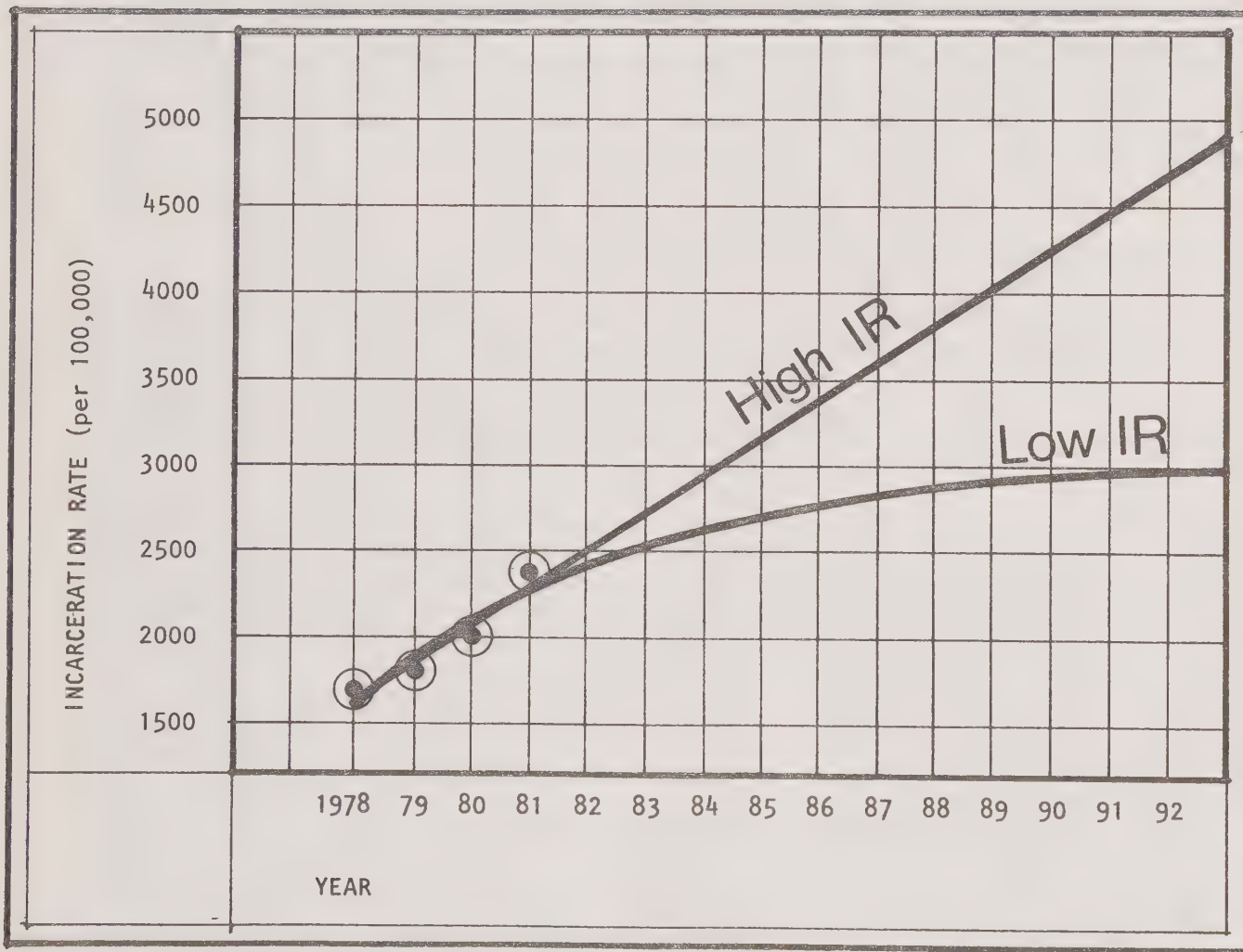


FIGURE 1: PROJECTED INCARCERATION RATE, CONTRA COSTA COUNTY

The low detention system projection for 1987 is 726 persons and the high projection is 951 persons. Current total bed capacity at all four County facilities is 643 persons. (The State Board of Corrections considers a facility "overcrowded" if it exceeds 90 percent of capacity in jails of 100 or more [rated capacity]. This reflects the need to segregate certain categories of prisoners, e.g., prisoners with mental health, behavioral problems.) (See Figure 2.)

The capacity of the new County Detention Facility (386 inmates) was based on several assumptions. The assumptions were:

- (a) continuation of decentralized booking and prearrestment detention in other population centers
- (b) continuation of current release practices
- (c) sentenced prisoners requiring medium and maximum security housing and program space would be removed from the County Detention Facility during the 1985-1990 time period
- (d) additional housing for unsentenced prisoners would be provided during the 1995-2000 time period.*

Some of the assumptions are now no longer valid, and the adequacy of the current County detention capacity has been affected.

Since the new facility opened, a number of local law enforcement agencies have changed their booking and prearrestment holding procedures. El Cerrito, San Pablo (male prisoners), Concord (female prisoners), BART, East Bay Regional Park District, California Highway Patrol (West County) no longer hold their prisoners in local jails. These agencies have their prisoners transported to the new County Detention Facility. This change has contributed to the higher than expected CDF population.

There have been some changes in jail release practices. These changes, however, have not resulted in an overall increase in length of stay. There is no noticeable trend of average length of stay either up or down.

Planning has begun regarding the implementation of the last two assumptions. Removal of sentenced prisoners requiring medium and maximum security housing cannot, however, be accomplished without construction of new bed space. (Removal of some sentenced prisoners [the trusty workers] from the CDF to the minimum security Rehabilitation Center is being recommended.) Depending on readiness to proceed, e.g., availability of site, and type of bed space needed, e.g., new beds in existing facility or a totally new facility, the time it takes from planning to occupancy of new beds can be several years. Thus, for the near future, there will be continued pressure for space for medium and maximum security sentenced prisoners.

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, pp. II-26-27.

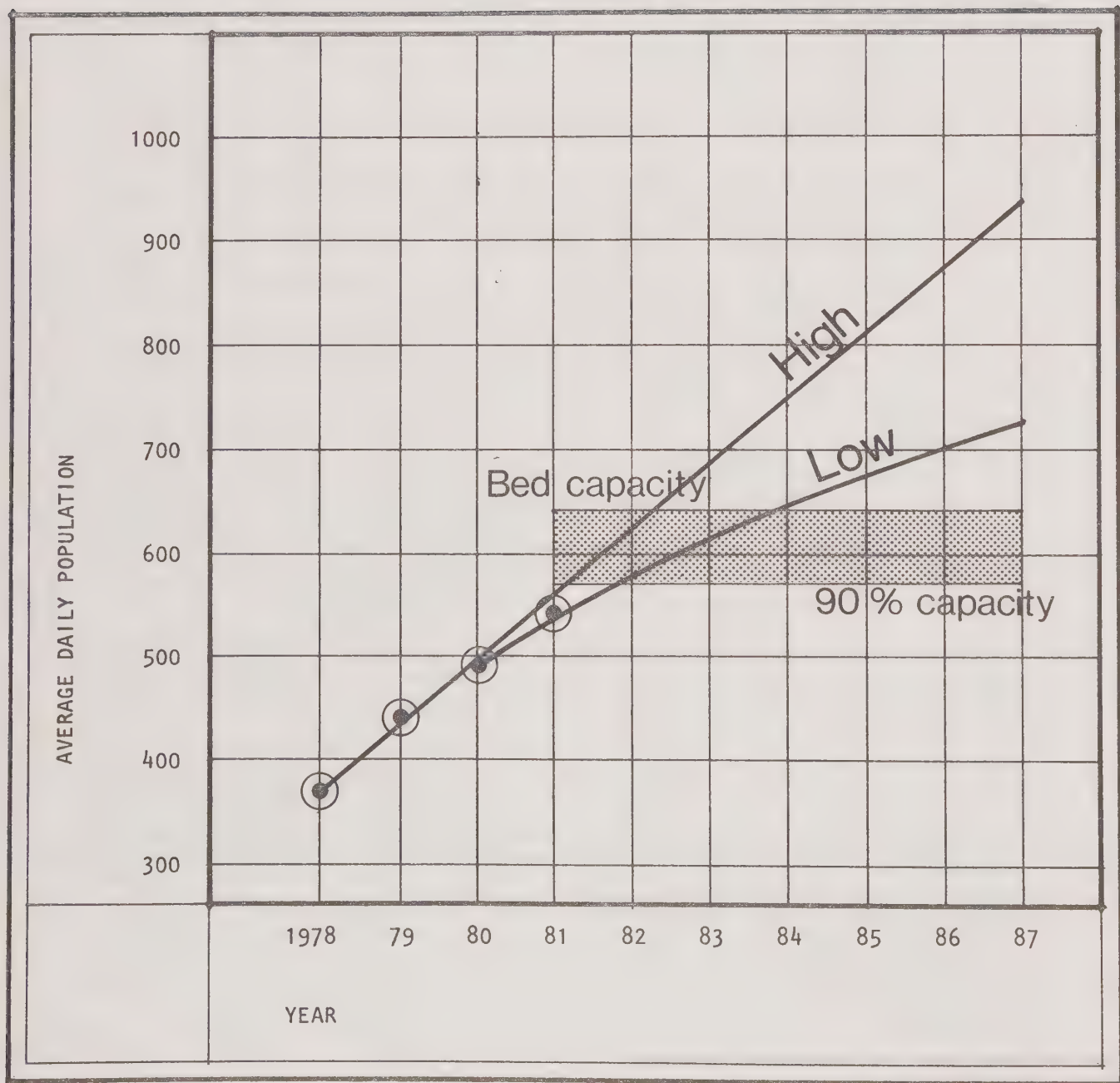
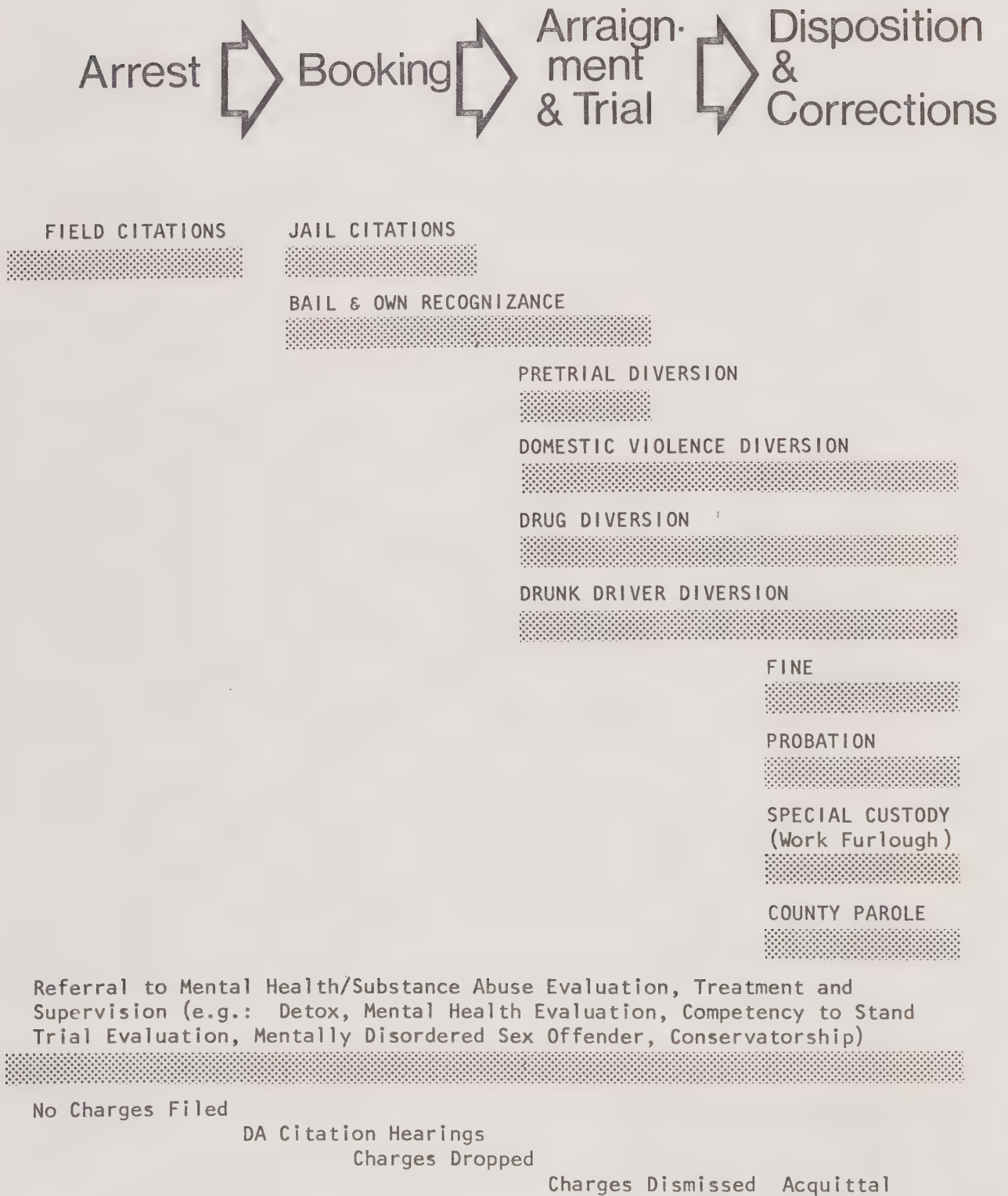


FIGURE 2: PROJECTED AVERAGE DAILY POPULATION AND CURRENT BED CAPACITY, CONTRA COSTA COUNTY

- Contra Costa utilizes a variety of alternatives to incarceration, both at the pretrial and post sentence stages of the criminal justice process. (See Figure 3.) Special studies accomplished for the master plan indicate that the most significant of these alternatives, e.g., citation release at booking, work furlough, are working effectively. For example, data gathered for a special master plan study indicated the maximum number of people is being released under the current citation release law and procedures. There are new programs and procedures, however, that would improve system efficiency and effectiveness. Continued utilization of current alternatives and implementation and monitoring of recommended new programs and procedures (see Recommendations section) will maximize the useful life of the current facilities.
- Mentally ill offenders present a special and growing problem for the criminal justice system. One of the results of the Lanterman-Petris-Short Act of 1968 is that mentally disordered persons, who might in the past have been channeled into mental health services or facilities, are appearing in greater numbers as offenders in the criminal justice system. These prisoners require segregation, trained mental health staff and special equipment and supplies. Health and justice officials agree that these prisoners would be better served in a non-jail setting.
- Incustody programs for prisoners provide religious activities, library services, recreation, medical and mental health services, visiting, personal services and educational opportunities. Since the opening of the new County Detention Facility, however, several incustody programs and services have been terminated. Funding for All County Resource Center, a non-profit CETA agency providing vocational counseling, training and job placement for incarcerated individuals and ex-offenders in the County, has been eliminated. Also due to funding cutbacks, the Department of Social Services no longer assigns a fulltime social worker to the Detention Division of the Sheriff's Department. No special programs now exist for assisting incarcerated inmates to locate employment or training opportunities. Other programming has been expanded. An increasing number of volunteers provide services to the Detention Division and education programs have increased. A major area of need for incustody sentenced inmates is work-related programming.
- With the opening of the new County Detention Facility in Martinez, all of the County's detention programs, with the exception of the Sheriff's Rehabilitation Center, are housed in new, or almost new, facilities. Each of the new facilities, including the new County Detention Facility (1981), the Women's Sentenced Facility (1978), and the Men's Work Furlough Facility (1976), has been recognized as an excellent example of how to build and operate a detention and correctional facility. Each is in full compliance with current State correctional standards and with current building, fire and life safety codes. Each is well designed and equipped to serve the particular program functions housed.

The Rehabilitation Center, however, is now over 40 years old and increasing maintenance problems are anticipated. The dormitory type housing is poorly designed and restricts administrative flexibility and control. The program facilities are limited and little productive work activity occurs.

FIGURE 3: ALTERNATIVES TO INCARCERATION IN THE CRIMINAL JUSTICE PROCESS



IV. RECOMMENDATIONS

The master plan recommendations are divided into four categories:

1. Program Recommendations Not Affecting Capacity
2. Program Recommendations Affecting Capacity
3. Facility Recommendations
4. Master Plan Update Process

(For a complete list of all recommendations made during the master plan process, see Adult Correctional Facilities Master Plan Report, February 1982.)

A. Program Recommendations Not Affecting Capacity

It was decided that program recommendations which did not affect capacity would be sent to the affected agency administrators. Administrators were asked to comment on:

- a. the feasibility of the recommendation(s)
- b. the increase or decrease in resources needed (or saved) by implementation of the recommendation
- c. if the agency/program administrator was planning on implementing the recommendation, what steps were currently in progress, and
- d. any inter-agency impacts or cost savings associated with the recommendation.

Agency administrators have responded to the recommendations, and it is suggested that, as part of the master plan update process, the status of these recommendations be monitored by Criminal Justice Agency staff. For example, representatives from the Sheriff's Department, the Health Services Department, and other community agencies are discussing a proposal to take some drunk drivers to detox centers rather than jail. This would reduce work for jail personnel and reduce the need for detox space in the jail, but increase work and space needs at the detox centers. Sheriff's Department, Health Services and Friends Outside staff are working on a program to have a volunteer at the jail telephone a responsible third party to pick up a drunk driver immediately after booking. This would also reduce detox space needs at the jail. Sheriff's Department staff is working with representatives from the Department of Public Works and the County Counsel in developing proposals for incustody work programming for sentenced inmates. Probation Department staff is studying different approaches to probation supervision to maintain effectiveness, given current budget limitations.

The Board of Supervisors is being requested, at this point, to approve two program recommendations not affecting capacity:

1. *A Task Force on Forensics be created to evaluate and make recommendations regarding those issues or activities in which both the mental health and criminal justice systems are directly involved. Topics for the attention of this Task Force would include issues of jurisdiction and financial responsibility for mentally ill offenders and differences in priorities regarding program needs for this population.*

2. *The following goals for sentenced work programming in Contra Costa County be adopted:*

- a. Inmates should be classified for work/education furlough to the maximum extent possible, consistent with public safety.
- b. Unemployed work/education program inmates should be assisted in locating work or suitable training.
- c. Inmates found guilty of property crimes or crimes against persons should provide some type of restitution as part of their work furlough agreement.
- d. Sentenced inmates not classified for work/education furlough should work a 40-hour week in incustody work programs.
- e. Work and/or training activities should be meaningful, resemble outside employment to the degree possible, and teach positive work skills.
- f. All sentenced inmates should spend a portion of their time working on public projects.
- g. Assignments should be available for all inmates.
- h. Work opportunities should be available equally to men and women.

B. Program Recommendations Affecting Capacity

Technical Task Force and Correctional and Detention Services Advisory Commission members agreed that program options affecting detention system capacity should receive the greatest attention. If current programs are not kept in place and new programs implemented to reduce the incarcerated population, new bed space will be required almost immediately. Given current incarceration rates even with new programs, additional space will be required in the near future. Options in this category were reviewed as to whether or not they were feasible and cost-effective and, if so, were assigned either a high or low priority or eliminated from consideration. Because the major emphasis throughout the master plan process has been to establish an ongoing planning process rather than produce a static document, these recommendations are in various stages of development.

The following recommendations were considered high priority by task force members, meaning that work on specific implementation proposals should begin.

- 1. *The administration of the weekenders program should be changed to allow for "day work crews".* Some persons serving weekend sentences would report for "public service" labor, but would not actually be jailed overnight. Development of a proposal for this program was also supported by the Municipal Court Judges' Association. There is new legislation effective January 1, 1982 (PC 4024.2) stating that the Board of Supervisors may authorize the Sheriff to require that any person committed to a correctional facility perform 10 hours of labor on the public works or ways in lieu of one day of confinement. This bill affects only persons sentenced to six days or less.

Day work crews would reduce the weekend population at the Rehabilitation Center and the Women's Sentenced Facility where persons serving weekend sentences are housed. Currently an entire dorm at the Rehabilitation Center must be reserved for persons serving weekend sentences. This influx of prisoners also causes operational problems such as the bringing in of drugs to the facility. The day work crew program would reduce expense and administrative problems for the Sheriff's Department while providing a constructive sanction for eligible offenders. The Sheriff is developing an implementation proposal.

2. *Arraignments should be held for all incustody defendants, including those defendants detained from the Delta, Walnut Creek, and Bay Municipal Court Districts, at the courtroom adjacent to the County Detention Facility.* If incustody arraignments are held in Martinez, in the Mt. Diablo Municipal Court, local law enforcement agencies would not have to pick up their prisoners at the jail and transport them back to the municipal court in their jurisdictions for arraignment. The Sheriff would also not have to pick up these prisoners in the local jurisdictions after arraignment for transportation back to the jail. This program might also assist Probation Department staff in providing timely bail and own recognizance reports for more defendants. Ultimately it might lead to faster processing of defendants, which would reduce the average length of stay at the CDF. Research on the feasibility of incustody arraignments is being conducted under the auspices of the Criminal Justice Agency with representatives from the Sheriff's Department, the District Attorney and the Public Defender for presentation to the municipal courts.
3. *A bail referee, authorized to raise or lower bail or grant release on a person's own recognizance, should be hired.* The greatest need for a bail referee or pro tem judge is on Saturday and Sunday. The referee could function at the CDF and the city jails. It was noted that the duties of the Traffic Commissioner, to be hired shortly, might be combined with the duties of a bail referee. This person might also assist in working out procedures for expediting cases of defendants with traffic warrants outstanding (see next recommendation). This mechanism would speed pretrial release, thereby reducing the detention population. This proposal should be developed through the Criminal Justice Agency, the District Attorney, the County Administrator, the Public Defender, the Sheriff's Department, and the Probation Department for presentation to the municipal courts.
4. *New procedures to clear local and out-of-County holds and warrants should be developed.* Outside holds and warrants substantially delay the release of prisoners. Persons who, at the time of booking, have misdemeanor and/or felony holds from cities in the County or other jurisdictions are held in the County Detention Facility. Persons are held until the agency originating the hold picks them up or authorizes the Sheriff to release them. Persons with an outside hold at the time of booking had an average length of stay three times the average length of stay for all bookings generally.

Thirteen and one-half percent of the 1980 booking sample gathered for the master plan had only local traffic arrests with local traffic

warrants. It is costly and may be unnecessary to hold these persons in a maximum security jail until they can make bail or appear in court. Priority should be given to clearing holds and warrants. With "local" warrants, new policies need to be worked out with the courts and Sheriff. With "foreign" holds, State law governs many aspects of release procedure. However, administrative means for expediting decisions on clearing the hold or picking up the prisoner may be possible. The Sheriff's Department should explore these possibilities with appropriate State agencies such as the Board of Corrections. The County may also wish to consider some sort of policy such that when the jail capacity reached a certain specified level, the County would only hold persons with outside misdemeanor warrants for a maximum of two days.

5. *All police agencies should adopt an affirmative field citation policy and, to the degree possible, expand the use of field citations.* Police and Sheriff's personnel are less burdened by field citations than jail citations, if the defendants are booked at their court appearance. If more local jails are closed in the future, increased reliance on field citations will be important in alleviating transportation expenses to local agencies and booking and housing expenses to the Sheriff's Department.

C. Facility Recommendations

1. Short-term Options

Six facility options* for addressing the short-term population problems at the County Detention Facility were analyzed:

- a. Double bunk at the County Detention Facility--approximately 45 beds per module (A,B,C,E,F-A,F-B) and approximately 30 beds in the Inmate Worker housing.
- b. Use A Dorm at the Rehabilitation Center as a pretrial branch jail--60 beds.
- c. Use A Dorm at the Rehabilitation Center as secure housing for sentenced prisoners now held at the County Detention Facility.
- d. Remove the medical and mental health clients from M module at the new facility.
- e. Operation of satellite booking and holding facilities.

*Earlier in the master plan process, a special report on the use of the old Main Jail as a detention facility was prepared (April 1981) and forwarded to the Board of Supervisors. The Board of Supervisors adopted the following policy statement at their April 21, 1981 meeting:

"For reasons of capital and operational costs and because this County is committed to contemporary standards of incarceration, the facility constructed in 1901 and added on to in 1944, commonly referred to as the old County jail, will not again be utilized as a place for incarceration of either pretrial or sentenced persons under the jurisdiction of County agencies."

f. Remove the trusty workers from the new facility--30 beds.

It was the consensus of the Task Force that all of the options could be accomplished and would have an impact on the capacity problems, but only operation of a satellite facility and removal of the trusty workers were considered cost-effective short-term options.

Double bunking at the County Detention Facility was seen as an unacceptable alternative by all members. The increase in staffing, the violation of minimum jail standards and the operational problems created by this option led members to the decision not to consider this option any further.

Use of A Dorm at the Rehabilitation Center for either pretrial or sentenced prisoners now held at the County Detention Facility was ranked as the lowest priority short-term housing option. This option would create numerous problems. The housing is in an open dorm and, therefore, there are no provisions for segregation. Housing either pretrial or maximum security sentenced prisoners in this setting creates security problems. Increases in staffing and transportation, and structural modifications to A Dorm would be required. Use of A Dorm for prisoners now held at the CDF also requires the reassignment of the sentenced prisoners now being held in A Dorm.

Removal of the medical and/or mental health clients from M module would require an alternate facility to house these prisoners, and no such facility currently exists. A secure treatment facility to house criminal justice clients with mental health problems is a high priority with criminal justice officials, and joint planning on such issues between the health services and criminal justice systems was recommended. This option, however, is a long-term facility option.

Operation of a satellite facility and removal of the trusty workers from the new facility were recommended as the highest priority short-term options. Both were viewed as necessary and feasible.

Removal of the trusty workers from the jail, however, eliminates the majority of trusty positions available to inmates in the County corrections system. The County offers no other significant incustody work program for inmates. The trusty program has provided an incentive for inmates to be productive while in custody. It is important that the efforts already under way in the County to develop work related programming for sentenced inmates be continued.

Operation of the Richmond Jail as a satellite facility was recommended by the Technical Task Force. The jail would be operated as a Type II facility in order to have an impact on the capacity problems at the County Detention Facility.* Law enforcement agencies operating in

*"Type II facility" means a local detention facility used for the detention of persons pending arraignment, after arraignment and during trial, and upon a sentence of commitment. Detention in such facilities may be indefinite during trial and up to one year upon commitment. (Source: State Board of Corrections.)

West County would book their prisoners at the Richmond facility rather than transporting them to Martinez, thereby reducing the CDF population. The annual cost of staffing the Richmond Jail as a satellite facility is estimated by the Sheriff at \$288,040 per year. The jail does have significant physical limitations which have to be addressed to operate the jail efficiently. The facility has limited administrative and operational support areas, minimal reception and booking facilities, restricted living accommodations, little if any correctional program space, and rather severe limitations on future expansion. This option would be an interim measure only until new bed capacity was provided.

2. Long-term Facility Options

Task Force members made the following recommendations on long-term facility options:

- a. *The highest priority recommendation was a new facility (Type II) located in West County.* This facility would handle booking for all law enforcement agencies operating in West County. As a Type II facility it would be available for handling population problems at the County Detention Facility and/or the Rehabilitation Center. Special studies on the most appropriate location for the facility to accommodate total justice system needs, as well as continued study on the size of the facility, are needed.
- b. *The second priority recommendation was a new sentenced facility designed to replace the Rehabilitation Center.* Aside from problems caused by distance of the Rehabilitation Center facility from other Sheriff's Department operations (e.g., transportation costs), County staff foresee increased community pressure to relocate the facility because of intense residential development in the Clayton area. The facility should be located closer to other County/Sheriff activities, e.g., possibly on one of the Blum Road Corporation Yard sites.

These sites have several advantages:

- (1) The sites are near the Corporation Yard, and discussions are currently taking place regarding development of several inmate work programs involving County operations, e.g., vehicle body and fender/paint shop, nursery/ornamental horticulture, sign-making. Locating both operations in close proximity would facilitate such program development.
- (2) Several sites are not near residential areas. The controversy generated from trying to locate jails in residential areas has either prolonged or prevented projects from being built. These sites have industrial zoning.
- (3) These sites are close to the pretrial facility in Martinez, and a new facility could accommodate overflow prisoners from the CDF.

A work furlough program should be incorporated into the facility.

D. Master Plan Update Process

As the agency responsible in Contra Costa County for long-range criminal justice planning, the Criminal Justice Agency, or whatever form the Agency takes in the future, should be responsible for the master plan update process. The County Administrator should make sure the process is in place and be responsible for ensuring the cooperation of the County department heads.

The recommended master plan update process entails:

1. Monitoring development of the high priority recommendation proposals by the identified agency administrators.
2. Monitoring implementation of the recommendations not affecting capacity.
3. Requesting the Planning Department staff to produce an annual update of the system population projections, using data generated through the Law and Justice Information System.
4. A review every two years of all master plan reports and preparation of necessary modifications (e.g., list new corrections resources and the impact on the system, changes in release practices) using the update format designed as part of the master plan process and included in the Adult Correctional Facilities Master Plan Notebook.
5. Development of a County prisoner population management plan (see Policy and Budget Implications section).
6. Submission of an annual report to the Correctional and Detention Services Advisory Commission and the Board of Supervisors on the above items as appropriate.

V. POLICY AND BUDGET IMPLICATIONS

A new detention facility is a significant long-term cost. Over the 30-year life of the building, the construction cost represents only 10 percent of the cost. The other 90 percent of the cost is in operating the facility, e.g., salaries, utilities, food, maintenance (see Figure 4). For example, the new County Detention Facility cost \$25 million to construct. In 1981/82, it will cost over \$8 million to operate.

In making decisions as important as construction of new jail space, it is crucial to stress that, in many respects, the number of people incarcerated in the County is a matter of public choice.

While research is important in providing information on past and current practices and how policies and procedures might be improved, research can only provide a basis for the discussion of the policy choices inherent in decisions regarding new detention and corrections program and facility capacity. It is also important to illustrate some of the problems in using data to make decisions.

90%
Operating Costs

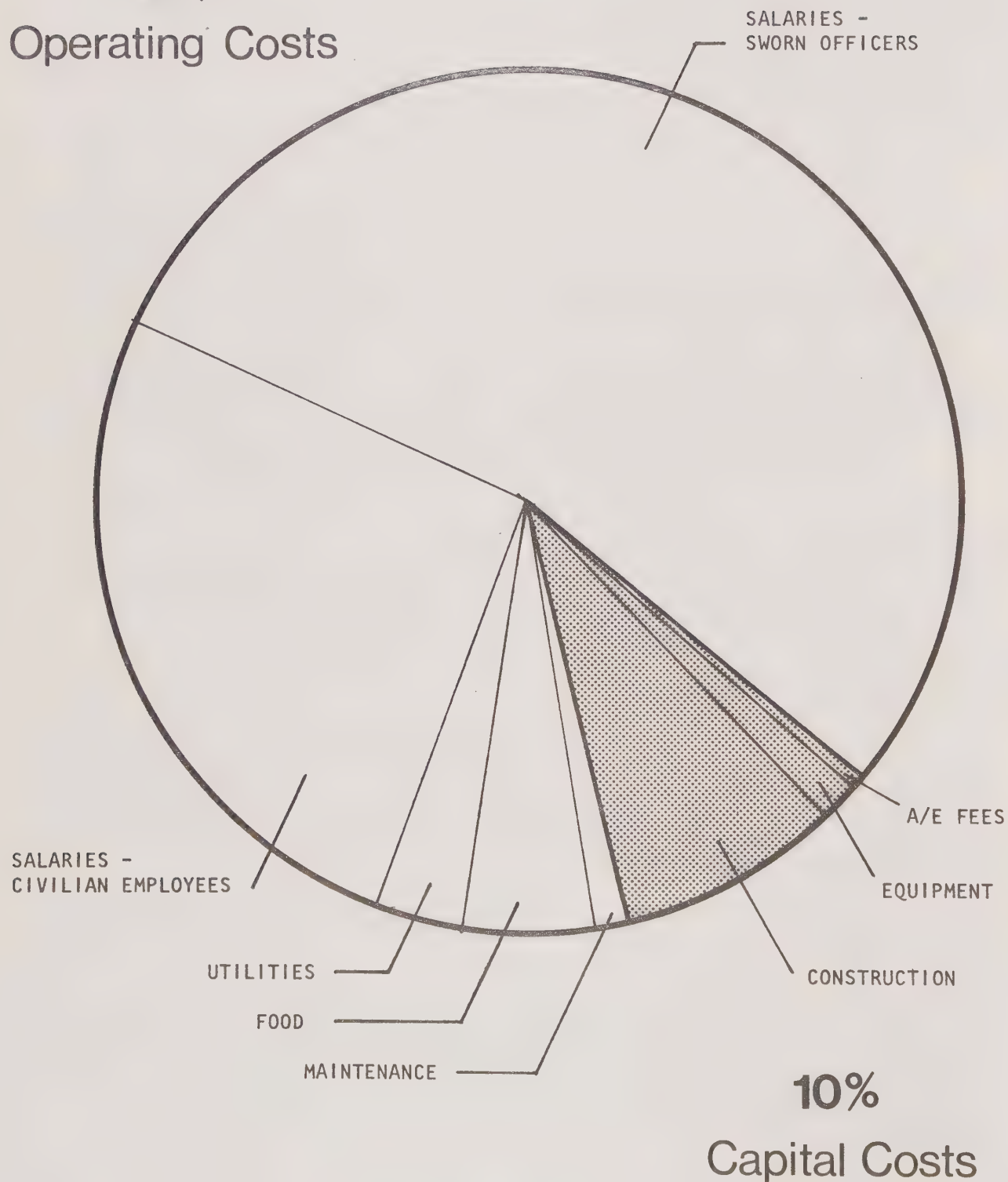


FIGURE 4: 30-YEAR LIFE CYCLE COST ANALYSIS
Source: Hellmuth, Obata and Kassabaum, Architects

Population projections may give a false sense of security. Projections are made, as was the case with the new detention facility, based on certain assumptions. Those assumptions must become operational policies and those policies must be adhered to if the projections are to remain valid. If the policies are not followed and/or other changes occur (such as changes in the law, demographics, number of police officers on patrol, public attitudes), the projections will no longer be valid. Decisions made using projections must also be reviewed as significant changes occur.

Projections for the new jail indicated the capacity of 386 would be adequate until 1985. A number of policies were not kept operational, such as continued decentralized holding of prearrestment prisoners. The result was that decision-makers were surprised that the facility experienced capacity problems after opening in 1981.

Another problem is that the availability of new bed space may invalidate population projections by changing incarceration patterns. Projections for the new jail were based on historical incarceration practices and practices at the time of the study (1976). However, while the new jail was under construction, County decision-makers, in response to the overcrowded jail conditions, located additional bed space. The Sheriff contracted with other counties to hold prisoners, opened the Branch Jail at the Rehabilitation Center for pretrial prisoners, and held some pretrial women at the Women's Sentenced Facility in Richmond. These new beds were filled. The incarceration pattern changed. The projections were no longer valid. (In a recent study for the National Institute of Justice, it was found that new jails reached their rated capacity within two years of opening and were at 130 percent capacity within five years of operation.*) New beds may be filled even if they are supposed to remain empty until future years unless there are operational policies and procedures which do not allow for their use until a specified time.

There are benefits to collecting and analyzing population data. These include a better understanding of the forces that shape the jail population. For example, the proportion of felony and misdemeanor prisoners over the last four years in this County has been rising with the incarceration rate, except for a big increase in sentenced misdemeanants between 1980 and 1981. Other benefits include the establishment of the likely range of future population, if no significant changes in the assumptions occur; seeing the consequences of past decisions; and, minimizing the degree to which decision-makers are taken by surprise. If used properly, data helps decision-makers recognize policy changes and revise objectives and programs when desirable. Jail population results from many discretionary actions and there are a variety of responses to an increasing jail population, including increasing bed space, decreasing admissions, and manipulating average length of stay.

It is recommended that the next high priority planning item under the master plan update process be the development of a population management plan which includes a County ordinance establishing a specific prisoner population ceiling. (This has been done successfully in other counties.) Development of such a

*Abt Associates, Inc., American Prisons and Jails, Population Trends and Projections, Volume II, National Institute of Justice, 1980.

plan would make explicit decisions on what type of person should remain incarcerated and what type of person should be released. Such a plan would make more specific the present Board of Supervisors' policy to make maximum use of cost-effective alternatives, consistent with public safety. Such a policy would require County decision-makers and justice officials to constantly monitor their progress in meeting the population goal and to develop and fund new programs to make such a plan work.

The purpose of such a plan is to keep the present system capacity from being strained, avoid court orders and pressures for additional building. Ultimately, the size of the jail population is a question of what Contra Costa citizens think jails do and the availability of alternatives to reach the same ends.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

REPORT

March 1982

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PREFACE

The Adult Correctional Facilities Master Plan Report contains a description of the material in the research documents published during the master plan process and a discussion of all the program and facility options presented. (The high priority master plan recommendations are contained in the Adult Correctional Facilities Master Plan Overview.)

Ten separate studies contain the detailed documentation of the operation of the current adult corrections system and suggested improvements. These reports appear in the Adult Correctional Facilities Master Plan Notebook:

1. Planning Assumptions, September 1980
2. Population Projections for the Contra Costa County Detention and Corrections System, November 1981
3. Alternatives to Adult Incarceration, March 1981
4. Health Care and Criminal Justice, February 1981
5. Incustody Programs and Services, February 1981
6. Physical Facilities Inventory, February 1981
7. Use of Old Main Jail as a Detention Facility, April 1981
8. Holding State Prisoners in County Adult Detention and Correctional Facilities, May 1981
9. Overcrowding in the County Detention Facilities, October 1981
10. Jail Citation Release Practices in Contra Costa County, September 1981

Each section of this Master Plan Report is extracted from one of the previously listed reports.

I. PLANNING ASSUMPTIONS

The foundation of the master plan was agreement on the goals and objectives for the planning process, as well as the preparation of planning assumptions to guide the research. Earlier planning efforts, interviews, and a review of corrections literature were the resources used to develop these assumptions.

The goals of the master plan process were:

- (1) to continue County corrections planning from a systemwide perspective;
- (2) to develop a mechanism whereby master plan recommendations will be monitored on a regular basis, and elements of the plan updated as needed; and,
- (3) to document the planning process so that, if appropriate, the County can replicate the process for other master planning efforts.

In addition, the following seven planning assumptions guided the process:

- (1) The Contra Costa County Sheriff's Department will administer the County's current adult detention and correctional facilities.
- (2) Unsentenced and sentenced programs and facilities will be planned, managed and evaluated on the basis of the County's adult correctional and detention goal of "the maximum use of cost effective alternatives to incarceration consistent with public safety, and where such alternatives are not adopted, the constitutional, secure and humane detention of arrested persons who cannot be released, and the reduction of recidivism through the provision of cost effective health and social services."*
- (3) There will be equality in program and facility options for men and women.
- (4) Four options will be considered regarding future pretrial housing:
 - (a) County assumption of the operation of one or more city jails.
 - (b) Expansion of the Martinez County Detention Facility (including operational changes).
 - (c) Construction of new facilities in other populous regions of the County.
 - (d) Continuation of current booking and holding procedures.

*Resolution No. 79/909, September 11, 1979, p. 2.

In researching current pretrial booking and holding procedures, it appeared that the system could be improved by a well planned intra-County prisoner transportation system. It is recommended that the County Administrator assign a team, including representatives from the County Administrator's Office, the Sheriff's Department and the cities, and personnel with transportation planning and accounting expertise to design an intra-County prisoner transportation system. Other transportation needs could also be addressed by such a system.

- (5) Research in the courts area will focus on program and/or administrative procedures that impact on court processing.
- (6) Contra Costa County will take the initiative in exploring shared custody arrangements with nearby counties with similar correctional philosophies for sentenced male and female prisoners.
- (7) Federal and State responsibility for financing detention improvements will be encouraged.

II. POPULATION PROJECTIONS FOR THE CONTRA COSTA
COUNTY DETENTION AND CORRECTIONS SYSTEM

Population projections were made for the Contra Costa County detention and corrections system for the period 1982-2000. The forecasts are based on a data sample of prisoners collected for the period 1978-1981. The conclusion of the study is that the incustody population will rise between 34 and 75 percent in the 1981-1987 time period.

Based on the data sample of prisoners and the County Planning Department population data, modified by the 1980 Census data, County incarceration rates for 1978-1981 were obtained:

<u>Year</u>	<u>County Population</u>	<u>One Week Jail Admissions</u>	<u>Incarceration Rate (IR)¹</u> <u>(Rate per 100,000 per year)</u>
1978	630,797	200	1,649
1979	640,403	220	1,786
1980	650,155	250	2,000
1981*	659,907	319	2,514
	659,907	(298)	2,348

*There are two different estimates for 1981 because there is a one-week data sample (319) and a one-month data sample (1,275). Multiplying 1,275 by (7/30) gives 298. The incarceration rate from the more accurate one-month sample is used.

Figure 1 on the following page, shows two different projections for the future incarceration rate. The first is a straight-forward linear projection showing the incarceration rate rising by 230 people per year until the year 2000. The second curve shows a more "cautious" projection which has been fitted by eye to the data.

There was no noticeable trend for the average length of stay (ALS) over the last four years. Since the one-month sample of data is the most exhaustive, it was used as a source for a constant average length of stay of 316 hours.

¹This quantity is the rate at which Contra Costa County residents become jail inhabitants. It is expressed in total persons.

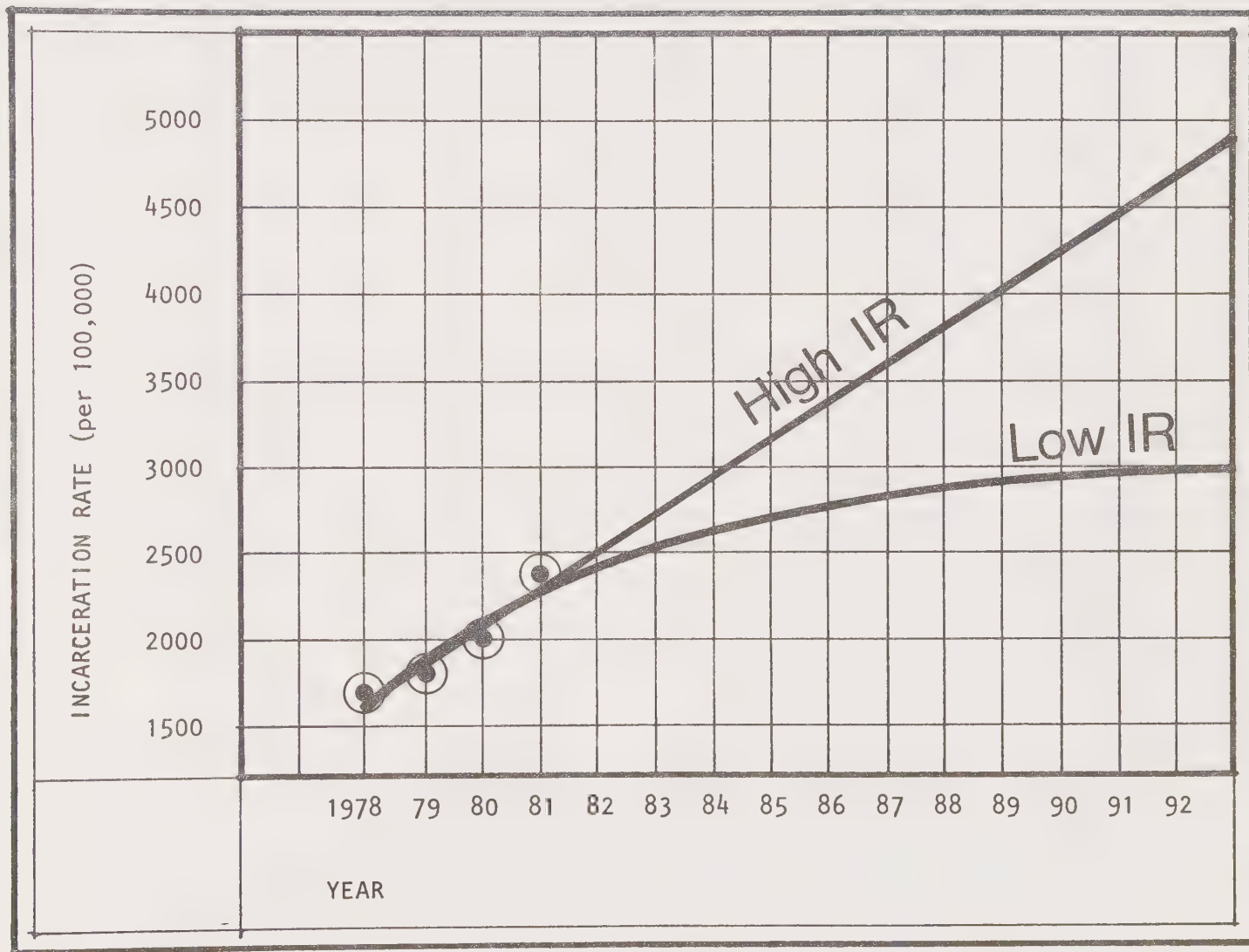


FIGURE 1: PROJECTED INCARCERATION RATE, CONTRA COSTA COUNTY

The following table presents the projections for the detention and corrections system:

<u>Year</u>	<u>"Cautious" Projection</u>		<u>"Straight-forward" Linear Regression Projection</u>	
	<u>Low IR</u>	<u>Low Jail Projection</u>	<u>High IR</u>	<u>High Jail Projection</u>
1978	1640	373	1600	364
1979	1900	439	1830	423
1980	2100	492	2060	483
1981	2280	543	2290	545
1982	2400	580	2520	609
1983	2500	613	2750	674
1984	2580	642	2980	742
1985	2670	675	3210	811
1986	2740	702	3440	869
1987	2800	727	3670	953
1988	2850	751	3900	1027
1989	2900	775	4130	1103
1990	2950	799	4360	1181
1991	3000	821	4590	1257
1992	3040	841	4820	1334
1993	3080	862	5050	1413
1994	3120	883	5280	1494
1995	3160	904	5510	1576
1996	3200	924	5740	1657
1997	3240	944	5970	1739
1998	3280	964	6200	1821
1999	3320	984	6430	1906
2000	3360	1005	6660	1992

The general conclusion is that the jail population is likely to rise for the rest of this century. The incarceration rate (IR) has shown a dramatic growth over the last four years, and the past trend is expected to continue. Any increase in the incarceration rate translates directly into increased jail population. The lower projections are based on the incarceration rate increasing more slowly than in the past.

Although there are many admissions that result in a short stay (e.g., persons released through jail citation, cash bond, and charges dropped), very few of them are in jail at any one time (34 expected at any one time in the 1981 jail population). The majority of the prisoners (287) are sentenced prisoners who will serve out their time. Any effort to reduce the Contra Costa County jail population in a substantive fashion would have to concentrate on this category of prisoner.

Moreover, the four-year data sample contained 12.6 percent women. On the average, these women served 0.636 times as long as males. The data

sample of females is quite small so there is substantial fluctuation from year to year, but no discernible trend is evident. It is predicted that the fraction of incarcerated persons which are women will remain at the above level and they will continue to serve a shorter sentence than males. As a result, it is predicted that the jail population will consist of approximately

91.6 percent males
8.4 percent females.

Lastly, the four-year data set was examined for the proportion of unsentenced prisoners. The number from year to year fluctuates, but, again, no discernible trend is evident. Hence, the April 1981 data is used, as follows:

	<u>Unsentenced</u>	<u>Sentenced</u>	<u>Total</u>
Number	963	312	1,275
ALS (hours)	167.2	773.4	316
Percentage	40	60	100

Although there are many more unsentenced prisoners, they remain one-quarter as long as sentenced prisoners. Hence, they contribute only 40 percent to the total jail population.

Caution must be used when employing population projections in the decision-making process, particularly in capital construction decisions. Projections are based on many assumptions that can change significantly over time, thereby making it impossible to accurately project for more than five years into the future. Changes in crime-prone age groups, economic variables (e.g., unemployment intervening in migration patterns), increases or decreases in the number of police officers on the street and new legislation (e.g., mandatory sentences) have a substantial impact on population projections in the long run. For example, some officials and researchers think the local and State prison population will continue to rise over the next several years, but will peak and stay at a manageable level due to a peak in the most crime-prone age group of the overall population. Other researchers have found the "at risk" population to be an unstable and unclear predictor of jail population. They have found either a negative correlation or no significant difference in the prisoner projection outcome, using overall population data and age specific data. An age specific incarceration rate and age specific average length of stay were not obtained for this study. The data that was available was not sufficient to attempt this type of analysis. It is important, however, to begin building a solid data base so that five years from now more sophisticated projections (e.g., examination of subpopulations within the overall population) can be made. This kind of data base would permit determination of the impact of potential changes, such as allowing prisoners to be held in county jails for up to three years. For the time being, five-year projections, that are updated annually, as part of the planning process are essential to prevent unnecessary and costly construction.

III. ALTERNATIVES TO ADULT INCARCERATION

The primary concern in this area of the adult master plan process was alternatives that had some direct effect on reducing incarceration capacity needs. Also, the assumption underlying recommendations in this area was that the whole corrections system, including alternatives to incarceration, benefits from administrative simplicity. The primary alternatives to incarceration are summarized in Figure 2: Schematic of Alternatives to Incarceration in the Criminal Justice System.

It is appropriate to begin a discussion of alternatives to incarceration with a brief summary of the incarcerated population in Contra Costa County. The data in Table 1: Prisoner Profile Summary* and Table 2: Age and Sex Profile by Charge Category summarize the profile characteristics of the prisoner population in County detention facilities.

In 1980, as shown in Table 1, about 36 persons per day were booked into County facilities. Of these, about two-thirds were booked on misdemeanor charges, one-third on felony charges. Approximately one in six were booked into the jail because they had been sentenced to serve time; the remaining five-sixths were pretrial prisoners who had been arrested but not tried or convicted. Nine out of ten were men. As shown in Table 2, the largest group of those booked (43%) were charged with some violation of the vehicle code. (The majority were charged with drunk driving. The bulk of the others had outstanding warrants.) Most of the persons booked were young; approximately two-thirds were under 30 years of age and only about one-sixth were over 40.

Recommendations

Presentencing alternatives and procedures - The primary concern with presentence release is that release practices be kept as simple and as speedy as possible.

1. Outside Holds and Warrants

Because outside holds and warrants typically delay release of prisoners, analysis was done of the March 1980 one-week booking sample to identify cases involving holds and warrants. Of a total of 244 bookings for which information was fully available (203 bookings were of unsentenced prisoners), 30 (or 12.3% of total bookings) involved "outside holds" and 83 (34% of total bookings) involved warrants.

Among the 30 holds in the sample, the average time from booking to release was over 13.5 days. In 19 of the 30 cases, the prisoner was eventually turned over to an outside agency; in over a third of the cases, however, the hold was dropped or a local release was arranged.

*Prisoner profile data was gathered from a one-week sample period - March 25-31, 1980.

FIGURE 2: SCHEMATIC OF ALTERNATIVES TO INCARCERATION IN THE CRIMINAL JUSTICE SYSTEM

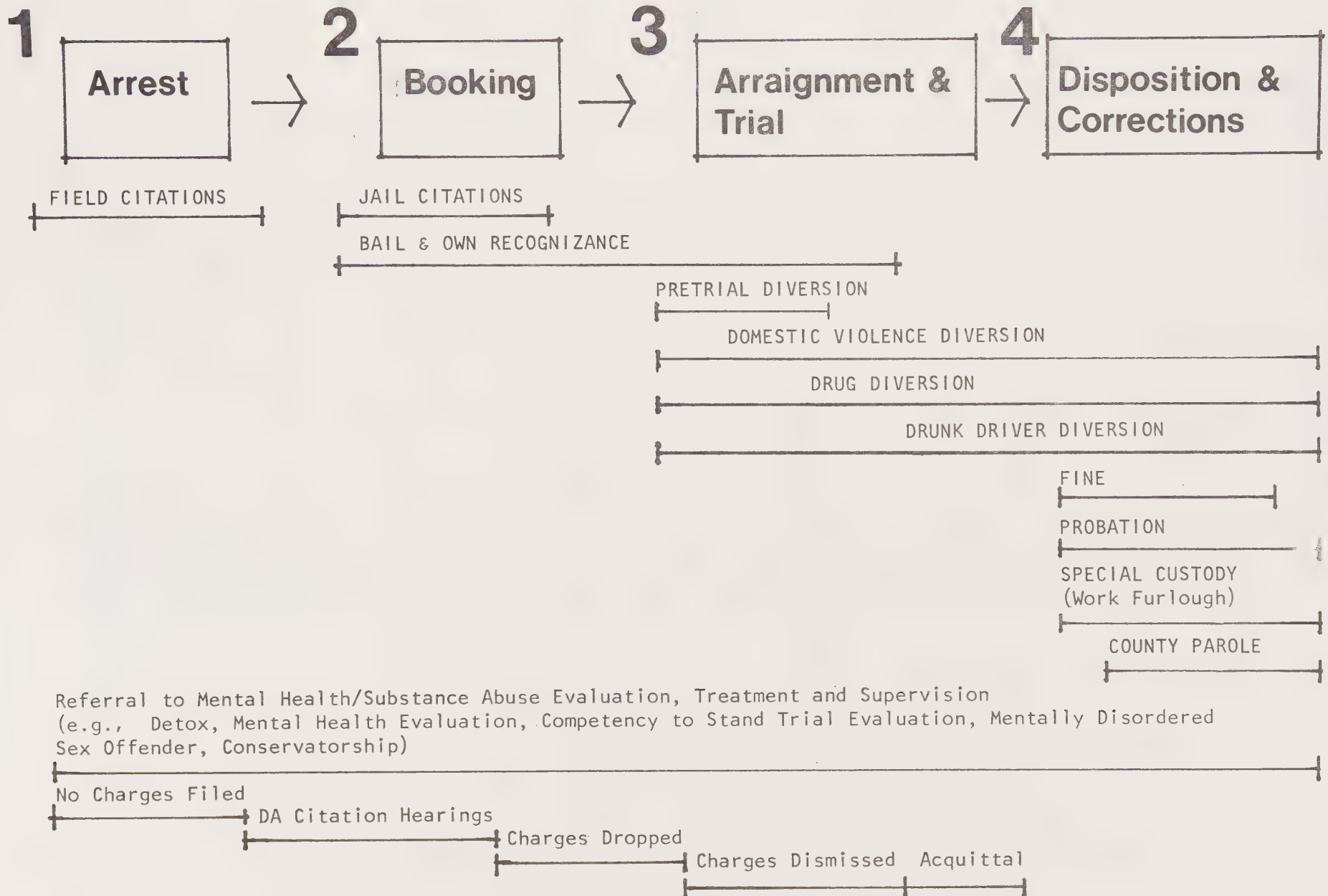


TABLE 1

PRISONER PROFILE SUMMARY

(Sample: persons booked during March 25-31, 1980)*

I. Intake

1. Total Daily Intake	35.7	
2. Charge at Intake		
Felony	12.4	(34.7%)
Misdemeanor	23.3	(65.3%)
3. Status at Intake		
Sentenced	5.9	(16.5%)
Unsentenced	29.9	(83.5%)
4. Sex		
Male	32.1	(90.0%)
Female	3.6	(10.0%)

II. Average Daily Population

1. Total ADP	432.3	
2. Main Jail		
Total	176.4	(40.8%)
Male	170.6	
Female	5.9	
3. County Hospital	1.3	(0.3%)
4. Rehabilitation Center	86.4	(20.0%)
5. Branch Jail	60.6	(14.0%)
6. Out-of-County		
Total	46.9	(10.8%)
Male	38.3	
Female	8.6	
7. Richmond Facilities (Men's Work Furlough and Sentenced Women's Facility)		
Total	60.7	(14.0%)
Male	44.6	
Female	16.1	

*All averages rounded to nearest tenth.

TABLE 2

AGE AND SEX PROFILE, BY CHARGE CATEGORY
(Sample: persons booked during March 25-31, 1980)

	Total Bookings	Sex		Age Categories					
		Male	Female	0-19	20-24	25-29	30-34	35-39	40+
I. <u>Misdemeanors</u>	(%)	(%)	(%)						
Petty Theft/Property Crimes	18 (7.2)	12 (5.3)	6 (24)	1	6	4	2	1	4
Assaults/Crimes v. Persons	8 (3.2)	8 (3.6)	-	-	3	3	1	-	1
Substance Abuse Violations	11 (4.4)	10 (4.4)	1 (4)	-	-	3	4	-	4
Traffic/Vehicle Code	108 (43.2)	101 (44.9)	7 (28)	4	30	31	7	10	25
Miscellaneous	16 (6.4)	16 (7.1)	-	2	4	6	3	1	1
Total Misdemeanors	161 (64.4)	147 (65.3)	14 (56)	7 (41.2%)	43 (58.1%)	47 (66.2%)	17 (54.8%)	12 (70.6%)	35 (87.5%)
II. <u>Felonies</u>	(%)	(%)	(%)						
Theft/Property Crimes	39 (15.6)	32 (14.2)	7 (28)	3	13	15	7	1	-
Assaults & Robberies	21 (8.4)	20 (8.9)	1 (4)	5	5	5	3	2	1
Substance Abuse Violations	10 (4.0)	9 (4.0)	1 (4)	-	7	1	2	-	-
Other/Miscellaneous	6 (2.4)	5 (2.2)	1 (4)	2	2	-	-	-	2
Total Felonies	76 (30.4)	66 (29.3)	10 (40)	10 (58.8%)	27 (36.5%)	21 (29.6%)	12 (38.7%)	3 (17.6%)	3 (7.5%)
III. Misc. Outside Holds	13 (5.2)	12 (5.3)	1 (4)	-	4 (5.4%)	3 (4.2%)	2 (6.5%)	2 (11.8%)	2 (5.0%)
TOTALS	250 (100%)	225 (100%) (90% Total)	25 (100%) (10% Total)	17 (6.8% Total)	74 (29.6% Total)	71 (28.4% Total)	31 (12.4% Total)	17 (6.8% Total)	40 (16.0% Total)

Warrants are sometimes the basis for an outside hold. The warrants were analyzed separately from holds, although there is some overlap between the two categories. Of the 83 warrant-related arrests, 16 were booked on felony charges, the remainder on misdemeanors. There were 55 cases (or 23% of the total bookings) in which the charge at booking was a vehicle code violation.

Of the 55 cases involving arrests on traffic charges, 17 had warrants from outside the County ("foreign" warrants); 38 had only warrants from within the County ("local" warrants). Of the 38 local warrants, five contained criminal charges. The remaining 33 cases are "pure", traffic arrests with local traffic warrants. This is about 13.5 percent of all bookings in the sample. In these cases, the deterrent to immediate release after booking is the existence of the warrant. Because arrests on traffic warrants typically comprise a large category of bookings, some counties, faced with severe overcrowding problems, have reexamined release policies regarding persons with such warrants. Typically, release cannot occur until warrants are cleared. In traffic cases, that usually means either that bail is posted or, if the prisoner waits until arraignment, the case is often cleared by paying a fine or by receiving "credit for time served." Some officials now suggest legislative changes to establish citation release policies similar to PC 853.6 for persons arrested on warrants. In San Francisco, an experiment is underway, even without legislative changes, to reduce the number of prisoners held solely because a local traffic warrant is outstanding; officials there are seeking to cite release a greater proportion of defendants with such warrants, thereby reducing jail populations and jail administrative burdens.

Priority should be given to clearing holds and warrants. With "local" warrants, new policies need to be worked out with the courts and Sheriff. With "foreign" holds, State law governs many aspects of release procedure. However, administrative means for expediting decisions on clearing the hold or picking up the prisoner may be possible. The Sheriff's Department should explore these possibilities with appropriate State agencies such as the Board of Corrections. The County may also wish to consider some sort of policy such that when the jail capacity has reached a certain specified level, the County would only hold persons with outside misdemeanor warrants for a maximum of two days.

2. Case Screening

Given the very high proportion of cases in which arrest charges are dropped or reduced prior to arraignment*, the feasibility of a systematized, early pretrial case screening function should be studied. This function would be the responsibility of the District

*Among felony arrests in 1979, charges were dropped prior to arraignment in 28.6% of the arrests. An additional 34.2% were filed as misdemeanors rather than felonies by the District Attorney.

Attorney's Office. If the case screening were done early enough in the criminal justice proceedings, it could apply to incustody arrestees and, thus, have an effect on pretrial detention. Systematic and total case screening could theoretically involve: (a) checks to see that the charges listed by police were justified, avoiding subsequent charge dismissal or reductions; (b) "weeding out" of classes of minor offenses, for citation hearing, diversion, etc.; (c) prioritizing the remaining cases for prosecution; and (d) providing District Attorney comments regarding OR release pursuant to Van Atta* or other pretrial release issues. Further review should be done to identify staffing deployment requirements and costs and to plan out interactions between the prosecution's case screening and an expanded or revised Probation Department OR/bail report function. (This recommendation was dropped by the Technical Task Force. Members thought it would be more appropriate to conduct research on why there is a high proportion of cases in which arrest charges are dropped. Task Force members did not think it was feasible to reduce any further the amount of time required in which to file charges. The District Attorney also thought that it was not feasible for an on-site District Attorney to make a charging decision without the police report, which is not available at the time of booking. Also, the arresting officer may not be the officer transporting the defendant to jail and thus would not be available to discuss the case with the on-site District Attorney.)

3. Court Staffing and Processing

- a. A bail referee, authorized by a magistrate to raise or lower bail or grant release on OR, located on-site at County (and possibly city) pretrial facilities, might reduce the amount of time to release on bail and one's own recognizance. After an arrest is made, the officer and arrestee would come to a detention facility for booking and the arresting officer, arrestee and bail referee would discuss the situation. The referee would then arrive at a decision regarding release conditions. It might be appropriate to have own recognizance project staff available to verify some information on the spot. Discussions with Court, Probation Department, District Attorney, Public Defender and Sheriff's Department officials regarding this concept are needed.
- b. Weekend on-call judge - To ascertain the potential impact of "weekend judges", a study was conducted of persons in the sample of bookings (week of March 25-31, 1980) who might be affected by greater judicial accessibility during weekends.

Those arrested on Friday were, on the average, released sometime Sunday, whether on bail or OR. Those arrested on Saturday stayed in jail somewhat longer, although the majority of those

*"Van Atta" refers to a California Supreme Court ruling (July 3, 1980) which shifts part of the burden of proof in own recognizance decisions to the prosecutor who must demonstrate why OR should not be granted.

released on bail got out of jail within 12 hours.

The data suggest that some relatively modest improvements in pretrial release times could be achieved for weekend bookings if judges were available and willing to grant OR and/or perhaps reduced bail. There do not appear to be enough cases in this category to warrant the expense of an "on-site" judge; having the judge on call should be sufficient. (Technical Task Force members thought a bail referee would be more effective than on-call judges.)

- c. Incustody arraignment - Another possible change in court procedure includes Mt. Diablo Municipal Court arraignment in Martinez for all incustody defendants, including those defendants from the Delta, Walnut Creek and Bay Court Districts. This proposal has been the subject of attention in the County already. It may well have implications for jail administration since it entails potential changes in prisoner transportation and postarraignment processing. If incustody arraignments for all municipal court districts were held in the courtrooms adjacent to the County Detention Facility in Martinez, city agencies would be spared the cost of transporting their prisoners back to their jurisdictions for arraignment. The Sheriff's Department would also not have to pick up these prisoners in local jurisdictions after arraignment. The "one-stop" payment system for traffic tickets--through which payments or fines owed in any of the jurisdictions within the County may be paid at any other County court--might serve as a precedent for resolving the paper processing difficulties of this proposal.
- d. Court delay - Although it is beyond the scope of the Adult Correctional Facilities Master Plan, there may be delays in adjudication that impact on the length of pretrial custody for certain defendants. The Criminal Justice Agency is the appropriate agency to have staff collect data on court processes (through the Law and Justice Systems Information Project). The study should focus on defendants remaining in custody past their first appearance or arraignment, and isolate the time elapsing between various appearances or stages of adjudication. A flagging system to identify unsentenced prisoners remaining in custody over five days should be developed and monitored by the Probation Department's CIDS project personnel.

Sentencing and postsentence alternatives -

1. Probation Role

The role of probation supervision should be reexamined. It may be that the Probation Department could become more cost effective by making probation, in most cases, simply a status, with no attendant supervision and counseling interactions between probationer and probation officer. If rearrested, probationers would be resentenced on the original charge. But the resources spent on minimal intervention in the meantime would be saved. These savings would then

presumably be rechanneled into services with greater potential for impact, such as specialized caseloads. Decisions regarding changes in probation duties would need to be discussed with the Courts, since judicial expectations need to be included in defining probation responsibilities, as well as other corrections officials. In any event, realism regarding what can be expected from probation supervision should be encouraged.

2. Day Work Crew

In Contra Costa County, as in other sheriffs' departments, weekend sentences are a major administrative burden for jail commanders. The weekender program should be changed to allow for "day work crews". Weekenders would report for "public service" labor, but would not actually be jailed overnight. This would be a constructive sanction and would reduce expense and inconvenience for the Sheriff's Department.

3. Work Furlough Program

Participation in furlough programs has been shown in some studies to be the most important variable in reducing recidivism rates.* In addition, work furlough programs provide some restitution to citizens through partial payment of room and board fees.

The County work furlough program and eligibility criteria should be reexamined to see if the program can be of greater benefit in providing reentry services. Particularly, the Sheriff should review whether a greater number of job seekers could be admitted. If such a change were implemented, placement, education and other reentry services and programs would have to be upgraded.

Consideration should also be given to operating the Men's Work Furlough Facility and the Women's Sentenced Facility as a co-ed program. The County already has a successful history of operating co-ed programs and services at the two facilities. The benefits, particularly equal access to programs and non-duplication of services, argue for such consideration.

4. Halfway House

Contra Costa County has few halfway house resources for offenders. There are some people who are released from jail with no job, money or housing. There are a few residential placement opportunities for offenders with specific problems such as mental illness, but only one for offenders who simply need assistance in getting reestablished in society. Public and private corrections agency staff think this is a gap in County correctional resources. (The consensus of Technical Task Force members was that there was no need for a halfway house in the County at this time. They think there are

*Le Clair, Daniel, "Recidivism Rates of Persons Paroled or Discharged from the Massachusetts Correctional Institutions", 1981.

currently adequate residential placements available for persons in need.)

5. County Parole

County Parole should be reexamined. The current criteria for parole are narrow and do not include the goals of facilitating prisoner reentry into the community. Increased use of County Parole could also be combined with development of a halfway house program to temporarily house parolees. (The Technical Task Force review of this recommendation focused on making County Parole a viable release option, or doing away with it altogether. Expanding the use of parole was not supported because the length of sentence already takes into account good time and work time. Although there was support for abolishing County Parole, it was decided that it should be available as a release valve for those few hardship cases.)

6. Joint Federal, State and County Activities

There are several areas in which joint activities with State and even Federal correctional agencies should be explored. The halfway house program could meet reentry needs for State and Federal prisoners, and the combined resources of County, State and Federal agencies could provide more substantial programming than any one source could support. Likewise, integrated probation and parole involvement in certain kinds of specialized caseloads--e.g., mentally disturbed clients--might allow for more complete counseling and supervision as particular skills and resources of each agency were combined into a team.

Other Recommendations

Regarding police practices:

1. Police practices need to be clarified in certain respects. Law enforcement and alcoholism program officials should meet to work out improved procedures to gain admittance for police referrals to the detox center in West County.
2. Police should not take "5150's"* to the new Detention Facility. If there is confusion on this point after the new jail has operated for awhile, jail and police officials should meet to clarify policies, in conjunction with mental health officials.
3. Increased use of field citations is needed. All law enforcement agencies should have written field citation policies with explicit criteria for issuance of field citations; a policy that places an

*"5150" is a section in the Welfare and Institutions Code providing for the involuntary commitment for up to 72 hours in an authorized mental health facility for evaluation of an individual who may be "gravely disabled" or pose a "danger to self or others".

affirmative requirement on the arresting officer to state why a misdemeanor citation was not issued in the field is recommended. In addition, police must be assured that the courts will take steps to ensure field-cited individuals will be booked. Procedures to satisfy this concern should be discussed at meetings of the Municipal Court Judges' Association and the Police Chiefs' Association.

4. There has been a proposal for police to be given the opportunity in some cases to take drunk drivers to detox centers rather than to jail. The costs to detox centers and the savings to police and the Sheriff should be examined. Legislative change would be needed, in any event, to encourage law enforcement officers to use detox centers as an alternative to jail. Law enforcement officials (including the California Highway Patrol Area Commander) and Health Services officials are discussing this proposal and outlining strategies for achieving the legislative change necessary. In addition, research for the master plan included gathering data on procedures used by the sheriffs in other jurisdictions (i.e., Santa Clara and San Diego Counties) to speed up the processing of drunk drivers. Several procedural changes, including having a volunteer or a Department representative available to call someone to pick up the arrestee, have been recommended to the Sheriff. Such changes should reduce the seven-hour average length of stay for drunk drivers released on citations.

Regarding management reports:

1. Several management programs should be developed by the Law and Justice Systems Information Project staff. Specifically, information should be developed on Failure to Appear (FTA) rates for various forms of pretrial release; on the number and type of offenders rearrested in the County; and on "court delays" in the processing of cases, particularly those in which the defendant is in custody; for analysis by criminal justice system administrators and Criminal Justice Agency staff.
2. The previously described management reports will provide some of the information necessary to monitor and update the Adult Correctional Facilities Master Plan. The monitoring process recommended follows closely the process developed in preparing the master plan. Criminal Justice Agency staff should be responsible for collecting and analyzing the identified data and updating the plan. Update reports should also be reviewed by the Correctional and Detention Services Advisory Commission.

The importance of continually monitoring the detention system is best illustrated by the capacity situation at the new County Detention Facility. Population data used to make a capacity decision for the new facility was collected in 1975-1976. Since that time, no further monitoring or analysis has been accomplished to determine if any significant changes in the population have occurred. The capacity was projected to be adequate until 1985. At the beginning of 1981, the facility was full.

In order to effectively monitor detention capacity requirements, some policy guidelines regarding the level of incarceration and release from custody should be established and data collection procedures implemented. It seems appropriate to use the data from March 1980 and 1981 as the baseline data and guide for future monitoring. The data reflect the current trend toward more severe sanctions for criminal offenders, but also (due to the lack of facility options) reflect strong use of alternatives to incarceration.

A few key procedures should be monitored as they have the most significant impact on detention capacity:

- (1) Own recognizance
- (2) Citation release (including field citations)
- (3) Charges dropped
- (4) Charges reduced from felony to misdemeanor
- (5) Numbers held for other jurisdictions by State Parole holds and others.

The Law and Justice Information System allows for the retrieval of the necessary data to monitor these procedures. If there is a significant change in the numbers or times to release, further research as to the causes and effects may be warranted.

IV. HEALTH CARE AND CRIMINAL JUSTICE

Throughout California, mentally ill offenders present special and growing problems for the criminal justice system. One of the results of the Lanterman-Petris-Short Act of 1968 is that mentally disordered persons, who might in the past have been channeled into mental health services or facilities, are appearing in greater numbers as offenders in the criminal justice system.* (That Act had the practical effect of making involuntary hospitalization more difficult to accomplish and created an impetus to shift the location of treatment from State hospitals to community-based programs. The funding to provide the needed services at the local level did not, however, materialize.)

There are important deficiencies in resources for the criminal justice population across the entire continuum of community mental health services, from outpatient counseling to locked psychiatric facilities. In some instances, services are not available at all; in other cases, the services are available primarily from private providers who are reluctant to take criminal justice referrals.

The Criminal Justice Health Services Program in the Health Services Department is the major source of health services within the criminal justice system. The program affords a variety of services to inmates in all of the Sheriff's institutions, not only mental health care but also medical and dental care and substance abuse counseling. The program, excluding medical and dental care, is funded almost entirely from special Federal and State grant funds, so its funding future is highly uncertain.

The issues in providing mental health services for the criminal justice population are extremely complex. However, in light of the number of offenders with mental disorders, these issues cannot be ignored. Following are issues to be pursued:

1. The comprehensive plan for mental health services for the criminal justice population being prepared by Health Services staff should include input from criminal justice officials regarding the program needs for this population. Several service priorities were tentatively identified, including needs for: acute care inpatient psychiatric beds, a secure subacute residential treatment facility, and outpatient clinics open to criminal justice clients.
2. Unnecessary duplication of services should be eliminated, particularly in the area of reentry services. In addition, there may be cost savings available by examining specific program components within the Criminal Justice Health Care Services Program. In a period of limited financial resources, screening of prisoners for mental problems may not be financially feasible; also, it may be

*See Whitmer, Gary, From Hospitals to Jails: The Fate of California's Institutionalized Mentally Ill, American Journal of Orthopsychiatry, January 1980, pp. 65-75.

possible to combine substance abuse and mental health service activities within the Criminal Justice Health Care Services Program.

3. The role of the jail's Medical Module should be better defined within the framework of "inpatient" services available in the County. It is not recommended that the jail be designated a "5150" facility*, but it is important to define the circumstances and policies under which inmates will remain in the jail for evaluation or treatment and the circumstances under which they will be transferred to the County Hospital.
4. Policies should be developed for probationers who are placed in mental health treatment programs as a condition of probation. It is important to work out policies for sharing of information between mental health providers and probation deputies that will give the latter the information needed for supervision duties without violating the relationship of the counselor with the offender/patient.
5. It is necessary to determine the appropriateness of developing various "in house" resources within the criminal justice system as opposed to using the mental health system resources. A particular instance of the general concern is whether the Probation Department should have a specialized mentally disordered offender unit. Although it is not envisioned that this unit would itself provide extensive psychiatric counseling and treatment, proponents of the unit believe that a specialized unit would strengthen "in house" resources for working with mentally disordered offenders.
6. Attention should be given to ways in which access to existing resources can be improved. In particular, the reluctance of private providers to accept criminal justice referrals should be addressed. Financial incentives to encourage acceptance of this population should be explored.
7. Finally, it is recommended that a Task Force on Forensics be created by the Board of Supervisors to evaluate and make recommendations regarding those issues or activities in which both mental health and criminal justice systems are directly involved. Topics for the attention of this Task Force include those listed previously as well as:
 - a. The relationship of the County Detention Facility and County Hospital. In addition to issues of jurisdiction and treatment, there are also disagreements over who should bear financial responsibility for mentally ill offenders. Who, for example, should pay the cost of treatment for prisoners taken to County Hospital? Who should underwrite the cost of

*A facility where a person may be committed involuntarily for up to 72 hours for evaluation to determine if he or she is "gravely disabled" or "poses a danger to self or others".

mental health personnel working in the jail? Examination of these issues will entail not simply a review of the respective treatment roles, but also analysis of how various sources of funds (such as Short/Doyle, MediCal, etc.) might be used for pretrial and/or sentenced prisoners.

- b. The relative cost/benefits of the private and public provider approaches to delivery of health services.
In many jurisdictions, mental health and other counseling services are provided by contracts with private providers rather than by public agency units. This approach should be considered.
- c. Procedures regarding the movement of prisoners from one system to the other. Several formal or statutory mechanisms outline responsibilities for various diagnostic and adjudicative decisions. Nevertheless, a detailed look at implementation procedures is needed to identify present or potential "trouble spots". Such "trouble spots" may occur in court procedures, in decisions regarding where to place prisoners during evaluation periods, or in the use of mental health professionals in court processes. There is currently little information available regarding the scope and frequency of mental disorder among the jail population. Criminal Justice Health Care Services Program staff will be collecting data on this, along with data regarding services provided in the jail. On a broader scope, there has been no integrated and systematic data collection effort regarding the disposition of mentally ill offender cases in the County. The frequency of proceedings such as W&I 5150's, PC 4011.6, PC 1026 and PC 1368-70, are not systematically reviewed. Information on the types and circumstances of offenders involved should be examined, as should data on the dispositions of these hearings and the mental health placements that result. Only when full information is available can a wise strategy be designed for dealing with the growing--if it is indeed growing--problem of mentally disordered offenders.
- d. Joint planning between the criminal justice and mental health systems. The Task Force should review recommendations in the corrections and mental health plans. Differences in priorities regarding program needs for the population that both systems serve should be identified. Recommendations to the Board of Supervisors on needed plan revisions should be made.

V. INCUSTODY PROGRAMS AND SERVICES

A number of services exist to assist pretrial and sentenced inmates in Contra Costa County institutions. (See Figure 3.) These programs and services include: religious activities, library services, recreation, visiting, personal services, and educational programs. Since the opening of the new County Detention Facility (March 1981), however, several incustody programs and services have been eliminated. Funding for the All County Resource Center, a non-profit CETA agency providing vocational counseling and training and job placement for incarcerated individuals and ex-offenders in the County, has been terminated. Also, due to funding cutbacks, the fulltime social worker from the Department of Social Services assigned to the Detention Division of the Sheriff's Department has not been replaced. Other programs and services, such as education offerings and volunteer activities, have expanded.

A major area of need is work-related programming for sentenced inmates. Sentenced work training programs require careful planning so that programs can include staggered levels of training to allow for constant turnover associated with the short length of stay for the majority of inmates.

While there is some duplication of service, there is good program coordination. The duplication often stems from the fact that programs serve somewhat different populations and are different in purpose, e.g., the Public Defender Liaison Worker, Probation Department staff, and Mental Health Services Reentry staff all locate community placements for the mentally disturbed. The major social policy question in the area of incustody programs is the level of service County decision-makers want to provide persons who come in contact with the criminal justice system. For example, should unsentenced inmates be screened and provided with mental health, education, vocational education and social services? If so, at what level? Which agency(s) should be responsible for paying for these services?

The following recommendations were made regarding incustody programs/services in Contra Costa County facilities. The operating and/or sponsoring agency of the program or service is cited at the end of each recommendation.

Recreation

The recreation program could be improved by encouraging more active community involvement, particularly in recruiting groups to offer recreational activities, and more inmate involvement in planning and organizing recreational programming, particularly at the Rehabilitation Center where there is less turnover in the population. (Sheriff's Department)

Personal Services/Volunteers

1. The basic services provided by Friends Outside (maintaining family ties and personal tasks) are some of the most critical personal services in a detention facility. Friends Outside services in Contra Costa County have been supported by grant funds and donations.

FIGURE 3

SERVICE	PROVIDER												
	Sheriff	Council of Churches	Probation Department	Social Services Department**	County Superintendent/Schools	County Library	Friends Outside	Public Defender	All County Resource Center**	Health Services	Suicide Prevention	Alcoholics Anonymous	Veterans Administration
Substance Abuse Counseling			*							*		*	*
Personal Counseling	*	*	*	*			*				*		
Medical										*			
Library Services						*							
Recreation	*	*			*	*	*						
Social Services			*	*									
Information Referral	*	*	*	*	*	*	*	*	*	*	*	*	*
Reentry Planning			*					*	*	*			
Mental Health Treatment			*							*			
Legal Services								*					
Religious Activities		*											
Personal Services		*					*						
Vocational Counseling/Training				*	*				*				
Education				*	*	*			*				
Release Mechanisms	*		*					*					
Screening	*		*	*				*		*			

**Note: Funding for the social worker provided by the Social Services Department is no longer available; funding has been eliminated for the All County Resource Center. None of the services listed for these providers are presently available.

INCUSTODY PROGRAMS AND SERVICES

It will be increasingly difficult for this type of service to be eligible for grant funds as funding criteria for corrections programs become more specific, e.g., AB 90. It is also very time consuming for the staff of a community-based agency to continually write grant proposals. The Sheriff should consider inclusion of the basic Friends Outside services (e.g., clothes for court, copying, check cashing, purchase of notions, initial contacting of families) in the Sheriff's Department's budget. These services are provided in a more cost-effective way by civilian staff and volunteers than sworn officers. (Sheriff's Department, Friends Outside)

2. Some thought should be given to areas where additional volunteer services would be effective. For example, verification of own recognizance information is handled by volunteers in other jurisdictions. (Sheriff's Department, Probation Department)

Work/Education Programs and Services

The following goals for sentenced work programming in Contra Costa County are recommended for adoption by the Board of Supervisors:

1. Inmates should be classified for work/education furlough to the maximum extent possible, consistent with public safety.
2. Unemployed work/education program inmates should be assisted in locating work or suitable training.
3. Inmates found guilty of property crimes or crimes against persons should make some type of restitution as part of their work furlough agreement.
4. Sentenced inmates not classified for work/education furlough should work a 40-hour week in incustody work programs.
5. Work and/or training activities should be meaningful, resemble outside employment to the maximum degree possible, and teach positive work skills.
6. All eligible sentenced inmates should spend a portion of their time working on public projects.
7. Assignments should be available for all inmates.
8. Work opportunities should be available equally to men and women.

Education and Vocational Education

1. Recruitment for education classes should be more structured. Inmates in the County Detention Facility receive material describing available incustody programs. However, written and oral material describing the education classes offered at the Rehabilitation Center and the Richmond facilities should also be available at those institutions. (County Superintendent of Schools, Sheriff's Department)

2. Recruitment for education programs should focus on the sentenced population. It is not economical to provide more than short-term courses, e.g., the health course currently being implemented, or topical discussions such as those led by the chaplain, for pretrial inmates. (County Superintendent of Schools, Sheriff's Department)
3. The area of vocational skills training needs further exploration. Coordination with the Regional Occupational Program (ROP) is needed. Inquiry should be made regarding the provision of one or more of these classes on-site at the Rehabilitation Center and the Women's Sentenced Facility, as well as participation of inmates in ROP programs on furlough. (Sheriff's Department, County Superintendent of Schools)
4. Education program staff should work with Sheriff's Department Classification Officers in developing a few education/vocational skills interest questions to be included on the soon to be revised classification form. (Sheriff's Department, County Superintendent of Schools)

Vocational Counseling and Training

1. Given the short length of stay for sentenced inmates, enrollment of inmates in training courses they can continue upon release is most appropriate. There are inmates at the Rehabilitation Center who are ready for job or training placement. An aggressive program by the Sheriff and Probation Department staff could regularly identify such inmates and determine if they could be transferred to the work furlough program and become eligible for these training/job opportunities. (Sheriff's Department, Probation Department)
2. In addition to the food service program currently being developed, development of a proposal for other on-site vocational training for sentenced inmates should be a high priority. The Sheriff's Department and Department of Manpower staff should explore opportunities for submitting funding proposals to the Department of Labor and also be aggressive in seeking private sector involvement in developing vocational training programs both on and off site. (Sheriff's Department, County Superintendent of Schools, Department of Manpower)
3. Close coordination of all staff working in this area, i.e., staff from the Probation Department, Sheriff's Department, Department of Manpower, County Superintendent of Schools, should be maintained to avoid duplication of effort and to provide a coordinated approach to the development of employment opportunities for inmates.

Work Assignments

1. Using trustys to perform certain routine facility operations tasks is significantly less expensive than assigning paid staff. However, current correctional literature and guidelines recommend paying inmates a "fair" minimum or prevailing wage for work performed. This recommendation is coupled with suggested wage disposition

schemes, e.g., dividing wages between room and board, support for dependents, restitution, savings. Paying inmates for work at something akin to the minimum wage would require legislative change. If inmates are paid for work, the granting of privileges such as extra food, time off sentences, freedom of movement, etc., should be eliminated. A shift to minimum or prevailing wages should be viewed as a gradual process and should be tied to worker productivity. (Sheriff's Department)

2. Sheriff's Department staff is currently looking into other work-related program concepts for the sentenced facilities. Three options are being considered. One option is patterned after Correctional Industries which operates in the California Department of Corrections' facilities. Industries are operated on-site and managed by experienced civilian staff. These operations are self-supporting. Industries such as body and fender work on County vehicles would be feasible to operate in County institutions.

A second option is to have inmates operate their own businesses. This option would require repeal of a California law (PC 2709) which prohibits sale of prisoner-made goods on the open market.

A third option is to encourage private industry to operate businesses within the institutions or to contract for piece work.

All of these options are more feasible if legislation is passed permitting payment of prisoners and the sale of prisoner-made goods on the open market.

Sheriff's Department staff should seek technical assistance from community-based corrections-related projects operating their own businesses, such as the Delancey Street Foundation, the California Correctional Industries Commission, and the American Foundation, regarding the feasibility of the proposed work options. (Sheriff's Department)

Inmate Programs and Services Coordination

1. It is important that detention staff in all institutions review the material describing available programs and services. Custody staff often do not refer inmates to programs because they are unaware of the program's purpose and content. It is also essential that custody staff understand that involvement in providing programs and services is part of their responsibility. A written policy stating this responsibility should be part of the Detention Division's policies and procedures. (Sheriff's Department)
2. There should be a written procedure describing the method of informing program personnel of custody decisions that affect program and service delivery, e.g., lockdowns. (Sheriff's Department)

3. The weekly meetings of program staff are essential to coordinating service delivery. An agenda item for the group is to assess the different screening mechanisms to determine if unnecessary duplicate screening is being done. The same background data should not have to be collected again and again by different program staff, e.g., CIDS, Health Services, Sheriff's Classification Officers. (Sheriff's Department, Health Services Department, Probation Department)
4. The Correctional and Detention Services Advisory Commission (CADSAC) has the responsibility for evaluating incustody programs. Each program has an evaluation component included in the program contract. However, no specific format, data, or schedule has been outlined for individual program evaluations.

The Director of Inmate Services in the Sheriff's Department should develop a performance monitoring plan with each service provider. Criminal Justice Agency staff can provide technical assistance with plan development. The plans should be submitted to CADSAC for review. Members should develop a plan to study the findings. It is important that service providers list all activities performed and at what point in the criminal justice process the service is provided. The focus of the evaluation should be on quality of service, level of service, duplication, appropriateness to population (e.g., unsentenced, sentenced), cost and impact on behavior.

The inventory reports for the Adult Correctional Facilities Master Plan contain the most current data on all services and programs. However, the data is limited. Many of the programs have just recently started providing full service. The Director of Inmate Services should have the responsibility for developing ongoing monitoring plans and the findings should be provided by the Sheriff to CADSAC, the Criminal Justice Agency, the County Administrator and the Board of Supervisors. (Sheriff's Department, Correctional and Detention Services Advisory Commission)

VI. PHYSICAL FACILITIES INVENTORY

A review of the booking, holding and transportation procedures in the County and a physical inventory of the County detention facilities, as well as three city jails (Richmond, Pittsburg and Walnut Creek) considered for use as County satellite facilities, was accomplished for the master plan. A general assessment of the program and service facilities, as well as the structural and mechanical condition of each of the facilities, was included.

With the opening of the new County Detention Facility in Martinez, all of the County's detention programs, with the exception of the Sheriff's Rehabilitation Center, are housed in new, or almost new, facilities. Each of the new facilities, including the new County Detention Facility (1981), the Women's Sentenced Facility (1978) and the Men's Work Furlough Facility (1976), is an example of contemporary correctional program standards; each is in full compliance with current State correctional standards and with current building, fire and life safety codes. Each is well designed and equipped to serve the particular program functions housed.

Since the opening of all of the housing modules at the new County Detention Facility in March 1981, the CDF has been operating at or over capacity. The daily population in October 1981 ranged from 384 to over 400. The average daily population was 393, exceeding the rated capacity by 11 persons. This has resulted in inmates having to sleep on mattresses on the floor. Although the new facility has a rated capacity of 386, some housing modules are only available for certain categories of inmates, e.g., disciplinary, sentenced, medical. The average daily population has been higher than projected.* A number of short and long-term facility options were reviewed to address the capacity problem.

Short-term Facility Options

There are several short-term facility options for addressing the population pressure at the County Detention Facility:

1. Remove the trusty workers from the new facility--30 beds.
2. Use A Dorm at the Rehabilitation Center as a pretrial branch jail--60 beds.
3. Double bunk at the County Detention Facility--approximately 45 beds per module (A, B, C, E, F-A, F-B) and approximately 30 beds in the Inmate Worker Housing.

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, pp. II, 26-27.

4. Operation of satellite booking and holding facilities.

Remove the Trusty Workers from the County Detention Facility - The new facility has one housing module for trusty workers who work in the kitchen and laundry of the facility. The module contains 30 beds and there are currently 30 workers. The workers could be removed from the module and housed at the Rehabilitation Center. (The Center has a rated capacity of 160. The average daily population is currently around 100.) There are two options for getting the work accomplished the trusty workers now perform. First, the workers could be transported daily from the Center to the new facility in Martinez to work, and then returned in the evening after work. The incentive for becoming a trusty, however, e.g., better living conditions, is lost and new incentives would have to be developed. Also, working as a trusty is one of the few options a sentenced inmate has to engage in some type of constructive work activity and vocational training. There is also a transportation cost. The annual costs of operating the necessary transportation system would be approximately \$18,600. (This cost includes mileage, maintenance and insurance for one bus. This cost does not include current bus repairs needed.)

The second option is to replace the trusty workers with civilian workers. In jurisdictions where this has been done, trusty workers are usually replaced at a rate of one civilian worker for every three trusty workers. Thus, 10 civilian workers would be required to work in the kitchen and laundry at the new facility. The position of Institutional Service Worker I, at an initial annual salary and benefit cost of \$15,541, was selected as a comparable position. Thus, 10 civilian workers would cost \$155,410 during the first year. This amount would increase as workers obtained annual merit increases and promotion to higher classifications.

Use A Dorm at the Rehabilitation Center as a Pretrial Branch Jail - Prior to the opening of the new facility, the Sheriff housed 60 pretrial male prisoners in A Dorm at the Rehabilitation Center. The cost of using the Branch Jail for pretrial prisoners (which is currently being used to house sentenced prisoners) would be in staffing and transportation. It requires 12 deputies to operate the Branch Jail (including vacation relief) at a cost of \$35,100 (salary and benefits) per deputy per year. Total staffing costs would be \$421,200/year. Holding pretrial prisoners at the Rehabilitation Center necessitates two trips a day to Martinez from the Center at a cost of approximately \$6,652/year (plus \$11,000 in insurance and maintenance of one bus). No cost has been included for a driver from the Sheriff's Transportation Unit.

Using A Dorm assumes that the current average daily population at the Center (100) will not rise significantly. Weekenders, however, present a capacity problem since one dorm which houses 48 inmates is currently reserved for weekenders. The Sheriff's Department is seeking funds to develop a day work-crew program for weekenders which would essentially eliminate the weekend housing problem at the Center. Also, the Sheriff has recently negotiated a contract with the California Department of Corrections to house State prerelease prisoners at the Rehabilitation Center.

Double Bunk at the County Detention Facility - Current State standards discourage the use of double occupancy cells because of the minimum total floor area required. Also, the dayroom space would probably not be adequate if double occupancy were instituted. Variances would have to be sought from the State. Modules A, B, C, and E presently contain 45-56 rooms, the Inmate Workers Module contains 30 rooms, Module F-A (unsentenced women) and F-B (sentenced women) have a total of 46 rooms. Capacity could be increased by whatever portion of these modules is considered for double occupancy. (The Medical Module, and the male and female Disciplinary Modules would not be appropriate for double occupancy.) There would be associated costs for refurnishing the rooms (the beds would have to be unbolted from the floors and a new unit inserted and bolted to the floor) and necessary increases in staffing.

County Satellite Booking and Holding Facilities - The city jails in Richmond and Pittsburg have been considered for some time as possible sites for the establishment of a County-operated satellite booking and holding capability in West and East County. Several recent changes in local law enforcement booking and holding procedures have brought this proposal forward again. The City of Richmond no longer accepts prisoners from other agencies (except San Pablo female prisoners). The California Highway Patrol, BART, East Bay Regional Park District, San Pablo (males) now transport prisoners to the detention facility in Martinez. El Cerrito has closed its city jail and El Cerrito and Kensington now transport their prisoners to Martinez. Concord now houses its female prisoners at the Martinez facility. These changes have contributed to the increase in bookings at the new jail. However, having the Sheriff operate satellite facilities does not significantly impact on the CDF population, unless the facilities have available bed space and can be operated as Type II facilities (where prisoners can be held for up to one year). City jails are short-term detention, or Type I facilities and, as such, can only hold prisoners up to 48 hours (72 hours over the weekend). The Richmond Jail could be operated as a Type II facility on an interim basis until new bed capacity was provided. However, the Richmond and Pittsburg Jails both have significant physical limitations which would have to be addressed if they were to be operated as County satellite facilities. Generally, the facilities have limited administrative and operational support areas, minimal reception and booking facilities, restricted living accommodations, little, if any, correctional program space and rather severe limitations on future expansion.

Operation of satellite booking and holding in West and East County by the Sheriff's Department is supported by local law enforcement administrators. Cities in East and West County would no longer have jail operation costs, including jail liability costs. However, no cost savings are realized by residents. The cities would reduce their jail operation cost, but the Sheriff would assume those costs. There would be no reduction in any city sworn positions, although Richmond would cut nine civilian staff positions. The Sheriff would staff the satellite facilities with sworn officers at an additional annual personnel cost of approximately \$288,040. (Personnel costs at Pittsburg and Richmond,

minus the cost of nine civilian Richmond staff.) Basically, this alternative shifts the local prisoner processing task to the County without a corresponding reduction in city budgets.*

Long-term Facility Options

1. A new Type II facility located in West County. A Type II facility which can hold both pretrial and sentenced persons would provide the most flexibility for housing prisoners. A new facility could handle booking for all West County police agencies. Prisoners could be held for up to one year, thus providing increased flexibility for handling the population at the County Detention Facility and the Rehabilitation Center.
2. A new or renovated sentenced facility, either at the Clayton site or another location. If the sentenced facility was designed for a range of classifications (maximum, medium, minimum), the sentenced prisoners now housed at the County Detention Facility (including the trusty workers) could be removed, providing up to 20-30 percent more space for pretrial prisoners.

The Rehabilitation Center needs extensive renovation or replacement. With the exception of several relatively new structures, the physical plant and basic utility infrastructure of the Rehabilitation Center is now over 40 years old. A number of the original buildings, most of which are wood frame structures, are still in use today.

While the Center is considered a minimum security facility, it is nevertheless poorly suited to the changing custody requirements of the resident population. The lack of any form of perimeter security, the uneven terrain and irregular configuration of the site, and the arrangement of the buildings make any but the most minimal degree of control or surveillance extremely difficult. With increased private residential development in the surrounding area, there is likely to be increased pressure to secure the facility.

With a changing inmate population**, the type of housing restricts administrative flexibility and control. Generally, current correctional standards discourage the use of dormitory-type housing in

*The Pittsburg Jail has a rated capacity of eight persons; the Richmond Jail has a rated capacity of 56 persons. Sheriff's Department estimates to start operating the Richmond Jail are \$491,000 to \$879,000. Second year costs would be \$309,000. Estimates for operation of the Pittsburg Jail are \$185,000 per year not including costs of upgrading the facility to meet the program requirements of a Type I facility. (Sheriff's Department inter-office memo, July 16, 1980.)

**There has been a shift in the types of sentenced offenders housed in County facilities over the years from minor offenses, mostly drunks, to more serious offenders.

all correctional facilities, regardless of custody level. The dormitories presently in use at the Rehabilitation Center are poorly designed. By current standards the wooden barracks, with a floor area of approximately 1,600 square feet, should be reduced from 48 beds to approximately 28 beds.*

The correctional program facilities available at the Center are extremely limited; with the exception of the classroom (built by inmate labor), the other facilities which are available are housed in structures which have been adapted to their current use. There is no library or individual study areas; counseling facilities are limited. Administrative and staff facilities do not provide for the basic administrative functions to be performed at the Center.

With the exception of the Food Service Building, the Chapel, and Dormitory A (Branch Jail) which are the only relatively new structures, the majority of the structures will present ongoing and increasing maintenance problems. In some cases, building code violations will require attention as well.** Basic systems, such as plumbing, will have to be replaced in some of the older structures.

The remote location of the facility presents some difficulty, both in terms of the Department's ongoing transportation costs and the inconvenience for visitors lacking private means of transportation.

The facility presently has municipal water service. This has relieved past problems with water supply; well water is presently used only for irrigation. While there have been no unusual problems with waste disposal, the present system would, in all likelihood, have to be expanded if future additions were to be considered. In both cases, maintenance problems have occurred due to the age of the utility distribution systems.

County staff have considered relocating the Rehabilitation Center to property adjacent to or near the Blum Road Corporation Yard site. These sites have several advantages:

- (1) They are near the Corporation Yard and discussions are currently taking place regarding development of several inmate work programs involving County maintenance operations, e.g., body and fender/paint shop, nursery/ornamental horticulture, sign-making. Locating both operations in close proximity would facilitate such program development.

*The American Correctional Association recommends 60 square feet per inmate in dormitory structures, with no more than 50 persons per unit.

**Dormitories 1, 2 and 3 all have gas-fired water and space heaters located within the sleeping or toilet areas. This is prohibited by current plumbing and mechanical codes as a safety hazard to occupants.

- (2) Several sites are not near residential areas. The controversy generated from trying to locate jails in residential areas has either prolonged or prevented projects from being built. The sites have industrial zoning. Aside from problems caused by the distance of the Clayton facility from other Sheriff's Department operations, County staff foresee increased community pressure to relocate the facility because of intense residential development in the Clayton area.
- (3) The location is close to the pretrial facility in Martinez and could be designed to provide space for overflow prisoners from the CDF.

VII. USE OF OLD MAIN JAIL AS A DETENTION FACILITY

A special report on the use of the old jail as a detention facility was written as part of the master plan. The County Administrator, based on material in this report, recommended to the Board of Supervisors that the Board adopt a policy statement abandoning the old Main Jail as a facility to house prisoners. The recommendation was based on an estimate that renovation would run between \$1,300,000 and \$1,500,000, with annual staffing and operating costs of \$828,500, to house approximately 35 prisoners. Also, there were more cost effective alternatives to prisoner housing.

The Board, at their April 21, 1981 meeting, adopted the following policy statement:

"For reasons of capital and operational costs and because this County is committed to contemporary standards of incarceration, the facility constructed in 1901 and added on to in 1944, commonly referred to as the old County jail, will not again be utilized as a place for incarceration of either pre-trial or sentenced persons under the jurisdiction of County agencies."

VIII. HOLDING STATE PRISONERS IN COUNTY ADULT DETENTION
AND CORRECTIONAL FACILITIES

The Sheriff has a number of contracts with the State to house different categories of State prisoners--parole hold only, parole revocation and early release prisoners. These contracts, which have various reimbursement rates, have a significant impact on the County detention system. A number of issues require further research and/or action:

1. The County contracts with the State for 15 beds in the work furlough program. The number of State prisoners participating in this program averaged 6.4 per day as of March 1981. Thus, the County will receive approximately \$100,000 for the contract rather than the projected \$188,000. One of the primary purposes of the State contract is to generate revenue. Should, then, these 15 beds always be filled? It may be that line staff in the work furlough program should not be responsible for which prisoners are admitted and/or this contract should be renegotiated for fewer beds.
2. Given the current maximum State reimbursement rate of \$36.21 for "reentry" beds and the higher County cost per day at the Rehabilitation Center and the County Detention Facility, should the County accept State reentry prisoners? At what point does it not pay for the County to hold these prisoners? Should Contra Costa County request an opinion from the Attorney General regarding California Department of Corrections staff interpretation of the reentry legislation in an attempt to get a reimbursement rate based on Contra Costa County's higher actual cost?

It is recommended that someone in the Sheriff's Department or the Auditor-Controller's Office with cost accounting skills be responsible for issues involving revenue generation, billing procedures for State contracts, etc.

IX. OVERCROWDING IN THE COUNTY DETENTION FACILITIES

Contra Costa County opened a new detention facility in March 1981. The bed capacity of 386 was projected to be sufficient until 1985, when it was expected that additional bed capacity would be required.* The new jail has been full since it began operating, and since October 1981, the facility has been consistently overcrowded.** A special study was conducted to research the cause(s) of the population increase.

A comparison of the booking and holding procedures for the Contra Costa detention system before and after the opening of the new County Detention Facility was undertaken. This comparison is based on a booking sample for the years 1980 and 1981.

Differences in the data between 1980, before the new facility opened, and 1981, after the facility opened, can be summarized as follows:

- . The number of persons booked rose from 35 to 45 per day, a 28 percent increase.
- . Felony bookings remained constant; misdemeanor intake accounted for all of the increase in bookings. Both sentenced and unsentenced bookings were up; however, the greater percentage increase was in sentenced bookings. Of the ten additional bookings per day, about four were sentenced persons and six were unsentenced.
- . The average length of stay increased slightly but not significantly.

In reviewing data for the last four years (1978-1981), it was determined that the incarceration rate in Contra Costa County has been increasing at a rapid rate, approximately 10 percent per year and 15 percent between 1980 and 1981 when the new jail opened. This trend is expected to continue. The detention system population (sentenced and unsentenced) is expected to increase by 31 to 75 percent over the next five years. Forecasts for the 1987 detention system population range from a low of 726 persons to a high of 951 persons. The total bed capacity of the County facilities is presently 643.***

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, pp. II, 26-27.

**"Overcrowded" is defined by the State Board of Corrections in the Minimum Jail Standards as populations in excess of 90% of capacity in jails of 100 or more beds (rated capacity) and in excess of 80% of capacity in jails of up to 100 beds (rated capacity). Ninety percent capacity of the County Detention Facility is 344.

***There are 386 beds at the County Detention Facility, 160 beds at the Rehabilitation Center, 72 beds at the Men's Work Furlough Facility, and 25 beds at the Women's Sentenced Facility.

The increase in the incarceration rate has taken place over several years and, thus, cannot be attributed directly to the opening of the new detention facility. There was, however, a larger increase in the incarceration rate in 1981 than in previous years, and the daily population at the new facility rose rapidly during the first few months of operation.* This may be related to the presumption of available beds. For example, several cities in the County have recently closed their jails and begun transporting prisoners to the new facility in Martinez. This decision was based on budget considerations, but may have been encouraged by the improved environment in the County facility.

Although there has been a significant increase in the incarceration rate, the average length of stay over the four-year period has remained fairly constant. There is no noticeable trend either up or down.

There have been a number of changes in release practices, but these changes have not been in the direction of an overall increase in length of stay. For "quick" release mechanisms, such as citation, bail bond, cash bail, charges dropped, own recognizance, the average length of stay (between 1980 and 1981) is generally down slightly.

It should also be noted that the County utilizes all methods of pretrial release recommended in the various State and national research and standards, with the exception of supervised release. County decision-makers have considered supervised release, but have not recommended such a program. Research results have not indicated that persons released on supervised release are persons who would otherwise remain in custody, and persons who might have been released on their own recognizance are sometimes released through the more costly supervised release program.

There are two divergent views regarding why a jail fills up upon opening. One view holds that because additional bed capacity is available, it is filled, and it is filled with prisoners who do not belong in jail. The other view holds that many prisoners are not held in jail only because there is not sufficient bed space.

There is no question that as soon as Contra Costa County opened the new detention facility, it reached and exceeded capacity shortly thereafter. Certainly, the experience of other jurisdictions is similar. In a recent study for the National Institute of Justice, it was found that new jails reached their rated capacity within two years

*It should be noted that the new detention facility houses prisoners not only from the old Main Jail, but also the 60 pretrial prisoners who were previously housed at the Branch Jail, some of the female prisoners previously housed at the Women's Sentenced Facility, prisoners previously held in other county facilities on contract, and convalescing medical and problem mental health patients previously held at the County Hospital or Napa State Hospital.

of opening and were at 130 percent of capacity within five years of operation.*

In reviewing data from the last four years, it could be argued that because of a substantial increase in the incarceration rate each year and a constant average length of stay, this situation could have been anticipated. The projections for the new jail were made in 1976. At a maximum, forecasts are only useful for a five-year period. The population forecasts for the County Detention Facility were not updated before the new jail opened.

The question is really how County decision-makers want to handle the jail overcrowding problem now. There are a number of policy and program remedies which have been developed from the data analyses for the master plan, e.g., processing drunk drivers at detox centers rather than the jail, releasing drunk drivers to a responsible third party, incustody arraignments for all municipal court districts at the Martinez courtroom adjacent to the jail, expediting release of prisoners on outside holds, day crew work program for weekenders, as well as the construction of additional bed capacity.

It is recommended that the current program and facility planning which is developing solutions to the overcrowding be continued. This planning is currently being accomplished through the Master Plan Technical Task Force, the Criminal Justice Agency and the Correctional and Detention Services Advisory Commission (CADSAC).

Inmate profile and population data should continue to be collected and analyzed. Computer programs that will produce comparable data to the data contained in the master plan reports are being developed by master plan staff and Law and Justice Systems Information Project staff. This data will be available in 1982 on a monthly basis and will provide the necessary data to monitor the detention and corrections population. Criminal Justice Agency staff should be responsible for collecting and analyzing the data. The analysis should be presented to the Criminal Justice Agency Board, which includes the administrative heads of all the criminal justice agencies that have an influence on the jail population, as well as elected officials, and CADSAC, which is the citizens' advisory commission responsible to the Board of Supervisors for monitoring and evaluating correctional facilities, programs and services in Contra Costa County.** These two bodies should, as part of their annual report to the Board of Supervisors, include a discussion of the analysis and evaluation of the corrections system population data. In other jurisdictions that have experienced the same problem as Contra Costa in reaching capacity as a new facility began operating, a forum for discussion of pretrial and jail intake policies has been successful in monitoring jail intake and developing

*Abt Associates, Inc., American Prisons and Jails, Population Trends and Projections, Volume II, National Institute of Justice, 1980.

**The Master Plan Technical Task Force will disband upon completion of the master plan study.

and implementing appropriate policies and programs to relieve overcrowding.*

It is also recommended that the Sheriff appoint someone from his detention staff as an official liaison to the Municipal and Superior Courts. This person should be responsible for identifying operational problems between the Sheriff's Department and the courts in prisoner processing (e.g., transportation problems, calculation of sentenced time served, management of the ten percent cash bail program, expediting paper processing of State prisoners) and for making sure that judges are routinely kept aware of these issues either through periodic meetings with the Judges Association and/or meetings and written correspondence with individual judges.

*Denver Research Institute, Jail Overcrowding and Pretrial Detention: A Program Evaluation, Executive Summary, University of Denver, Denver, Colorado, November 1980, p. 14.

X. JAIL CITATION RELEASE PRACTICES IN CONTRA COSTA COUNTY

It was established during the planning for the new County Detention Facility that Contra Costa County released a high percentage of unsentenced misdemeanants through jail citation.* Concern was expressed that, after the jail was opened, the number of citations issued would decrease and the time it took to issue a citation would increase. It was hypothesized that the high number of citations was due to the overcrowded conditions at the old Main Jail. If the hypothesis held true, it would lead to overcrowding at the new facility because capacity was based on a continuation of the citation release practices at that time.

A special study on jail citation release practices was conducted for the master plan. Sheriff's Department jail citation release practices were compared before and after the opening of the new jail to determine if the maximum number of eligible persons were being released as quickly as possible.** A one-week booking sample for the years 1978-1981 was used as the data base.

The conclusion of the study was that the Sheriff's citation release practices have not changed since the new jail opened. The Sheriff is still releasing a significant percentage of persons on citation. In 1980, prior to the opening of the new facility, 38.6 percent of the arrested misdemeanants were released on citation, and 41.7 percent were released in 1981 after the new facility opened. Persons receiving a jail citation were released within a reasonable period of time (7 hours).***

Eighty percent of the misdemeanor arrestees not released through the jail citation process had outstanding warrants.

It is recommended that the Sheriff monitor monthly the length of stay of persons released on citation to insure that the average remains between 4-6 hours. A program is currently being developed through the Law and Justice Systems Information Project to present monthly summary statistics, including length of stay. This should considerably ease the burden of such monitoring.

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, p. II-2.

**California Penal Code, Section 853.6 provides for the release of persons arrested for a misdemeanor on a written notice to appear in court, commonly called a citation release.

***If two persons with long stays are removed from the 1981 sample, the average stay drops to 4.8 hours.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE I

PLANNING ASSUMPTIONS

September 1980

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I. INTRODUCTION

The intent of the first phase of the master plan process was for staff to familiarize themselves with current correctional policies and key correctional issues in Contra Costa County. Relevant resource material was reviewed and criminal justice officials and others involved in corrections were interviewed. Appropriate individuals and groups were informed of the master plan process. It is appropriate at this point to present an analysis of the numerous consultant, staff and citizen reports that have been prepared that pertain to the current master plan effort. The earlier independent planning efforts such as the new detention facility, police services, court consolidation, alternatives to incarceration, etc., will provide the initial direction for the master plan development.

The scope of the master plan study includes the facility, program and service needs of the custody and non-custody unsentenced and sentenced population. Thus, research will cover facilities and programs administered by local law enforcement agencies and the Sheriff; community-based corrections programs and services administered by the Probation Department, available to persons both in and out of custody; and programs and services available through private or public agencies funded publicly and/or privately.

II. PLANNING PROCESS

Planning Assumption:

The goals of the master plan process are:

- (1) to continue County corrections planning from a system-wide perspective;
- (2) to develop a mechanism whereby master plan recommendations will be monitored on a regular basis, and elements of the plan updated as needed, and;
- (3) to document the planning process so that, if appropriate, the County can replicate the process for other master planning efforts.

Contra Costa County has recently completed a new pretrial detention facility. The physical and programmatic concepts are considered exemplary by modern correctional standards. The programs and facility that were developed were the direct result of a planning process that included County and city officials and citizens. Participants researched and made recommendations to the Board of Supervisors on location, capacity and design for the new facility. The Board of Supervisors recognized the "efficacy of the collaborative process..." and the importance of tapping the body of knowledge obtained by participants in the process, and established the County Correctional and Detention Services Advisory Commission.¹ The development of a master plan² provides the opportunity for the Commission members to implement the Board's instruction to them, "to take a holistic approach to local corrections and detention and to maintain a collaborative planning spirit and process."³

The "ideal" master plan process is one in which the community establishes explicit correctional goals and develops specific objectives to measure achievement of goals. In that way, the methodology, the data, and the options to be considered are dictated by an overall philosophy. The Board of Supervisors has established a broad County adult correction and detention goal of "the maximum use of cost effective alternatives to incarceration, consistent with public safety, and where such alternatives are not adopted, the constitutional, secure, and humane detention of arrested persons who cannot be released, and the reduction of recidivism through the provision of cost effective health and social services."⁴

¹Resolution Number 79/909, September 11, 1979, p.2.

²The development of a corrections master plan was recommended in Bay Area Social Planning Council, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p.74, and Facility Sciences Corporation, Contra Costa County Detention Facility Service Program: Concepts and Systems, December, 1976, p.I-3.

³Resolution Number 79/909, September 11, 1979, p.2.

⁴Resolution Number 79/909, September 11, 1979, p.2.

Additional correctional goals and objectives are needed. Issues such as who should be detained, under what type of security, for what purposes, need discussion. There are certainly wide differences of opinion on these issues, and, it is the responsibility of the citizens of a community to balance the need for security, cost containment, punishment and rehabilitation in the development of a correctional program.

A simple example of the need for an explicit philosophy is offered:

Contra Costa County operates an Honor Farm for sentenced males at Marsh Creek. Inmates receive work assignments as part of their daily activities. The purpose of the program must be specified before an assessment can be made.

- is the purpose of the program/facility punishment?
- is the purpose of the program/facility rehabilitation?
- is the purpose of the program/facility restitution?
- is the purpose of the program/facility a combination of some or all of the above?

The answers to these questions lead to very different recommendations, e.g., inmates should/should not receive compensation for their work, work assignments should be voluntary/mandatory, vocational instruction should/should not be provided.

It is appropriate for the Correctional and Detention Services Advisory Commission (CADSAC) to develop a forum where these issues are discussed and a consensus obtained. The master plan effort can provide research on population projections, alternatives to incarceration, incustody programs, facilities evaluation, costs, etc., but the key is what value judgements are used to consider the information. (The research methodology for the master plan is contained in the LEAA grant application, "Correctional Facilities Master Plan.") Objectives of the CADSAC process should be to:

- (1) educate the community
- (2) involve as many people as possible from varying points of view
- (3) provide direction to master plan research
- (4) establish explicit criteria for future programs, administrative procedures, and facilities evaluation.

Certain evaluation criteria are already County policy. For example, when CADSAC recommends new or expanded programs, the Commission should consider:

- (1) "Achievable County cost savings that offset the cost of new programs or services,
- (2) Reductions in other related County services or programs of a lower priority that offset the cost of the recommendation, and

(3) Exclusive and permanent non-property tax funding."⁵

The Sheriff has requested technical assistance from the National Institute of Corrections to assist County staff, CADSAC members, and citizens in developing a goal formulation process that will result in a philosophical framework for corrections in Contra Costa County.

Monitoring Mechanism

Contacts were made with staff in other jurisdictions around the State who had been involved in the development of correctional master plans. A recurring theme in these discussions was the necessity of establishing a formal, on-going correctional planning process. As stated in one report, "The estimation of detention needs beyond two or three years is increasingly difficult, because of the dynamic and unstable use of detention within the justice system...detention activity should be constantly monitored; and long-range detention estimates should be updated annually."⁶ Although the master plans in these jurisdictions had been developed in a variety of ways (including the use of in-house staff, outside consultants, with and without citizen input) no jurisdiction contacted had established a reliable update mechanism. The need for such a mechanism was also underscored by the results of the review of historical Contra Costa correctional documents. Many of these studies covered the same topics and made some of the same recommendations. Coordination of the correctional effort through a master plan update process will help reduce duplication of effort and ensure more timely implementation of recommendations.

The necessary ingredients for a reliable update process are:

- (1) assignment of the update responsibility to a specific person/agency/board;
- (2) development of exactly what information needs to be kept, e.g.
(a) detention population statistics, i.e., length of stay, offense data, arresting jurisdiction, demographic information (b) arrest rates (c) release programs, i.e., impact, etc.
- (3) specification as to how the information is to be collected; at what point each category of information is to be analyzed; when reports are due;
- (4) allocation of appropriate resources depending on the decisions regarding the previous three points.

⁵Resolution Number 79/909, September 11, 1979, p. 3.

⁶County of San Diego, Analysis of Future Adult Detention/Corrections Facility Needs 1978-1995, March, 1978, p. xvii.

This effort should be greatly enhanced by the phasing in of the County's new law and justice information system. As information needs are identified, law and justice system personnel will be queried as to the possibility of retrieving the information given current and proposed computer programs.

Recommendations and agreements on the necessary components of an update mechanism will be part of the master plan process.

III. ADULT DETENTION ADMINISTRATION

Planning Assumption: The Contra Costa County Sheriff's Department will administer the County's current adult detention and correctional facilities.

In an effort to improve detention facilities and programs, a number of counties in the State and nation have experimented with civilian or civilian and law enforcement administration of adult correctional facilities. Organizational arrangements have included all correctional services being administered by a civilian local or regional Department of Corrections, or the Probation Officer, or division of responsibility by the legal status of the prisoner, e.g. pre-trial facilities administered by law enforcement and sentenced facilities administered by civilians.

The basic argument for removing detention services from law enforcement agencies is that the goals of rehabilitation and reintegration of inmates into the community are incompatible with the law enforcement objective of apprehending offenders; and, that law enforcement training does not adequately cover correctional behavior and programs. Local governments were also encouraged to develop civilian departments because of anticipated cost savings. It was assumed that non-sworn personnel would have lower salary levels and less costly fringe benefits.

The establishment of a civilian Department of Corrections has been recommended and studied on several occasions in Contra Costa County.⁷ The key issue in assessing the current correctional administrative structure is whether or not the Sheriff is committed to providing an environment where quality services, consistent with County correctional goals and objectives, can be offered. The County must, of course, provide the necessary resources to achieve the goals and objectives.

In reviewing the current status of detention programs and services in the County, it is clear that a variety of services are or will be available to inmates. These services and programs include: citation release, own recognition release, bail, legal, medical, mental health, dental, welfare, library, religious, education, detox, substance abuse, Friends Outside, work and education furlough, and release planning. The Sheriff's Department has also

⁷ See Office of County Administrator, Contra Costa County, Alternatives in Constructing a New County Jail, March, 1973; Contra Costa County Grand Jury, Interim Report, Law Enforcement, Judicial & Probation Committee, December 30, 1974, pps. 72-74; the Correctional Systems Review Task Force, Alternatives to Incarceration Committee, Mental Health Advisory Board, The Pros and Cons of a Department of Corrections Report, October 11, 1977.

recently reorganized. There are now civilian directors of support services, food services and inmate programs and services.⁸

Many of the services and programs such as medical, library, welfare are provided by trained professionals in their respective fields. The Sheriff's Department has demonstrated their commitment to providing a quality correctional environment by working with all of the various concerned individuals and agencies to bring about these various programs and services.

Correctional training opportunities have expanded significantly since additional training was recommended in earlier Contra Costa studies.⁹ Sheriff's deputies who have detention responsibility receive a minimum of 40 hours of basic training in jail operations and 24 hours of in-service training annually.¹⁰ The training covers technical skills in jail management and understanding of correctional programs and processes. This training is in addition to the 400 hour law enforcement academy. Jail operations training for Contra Costa Sheriff's deputies exceeds minimum standards. The Sheriff's Department recently completed three one-month long training academies for personnel who will be operating the new pretrial facility. Included in this training was a newly developed curriculum in detention management skills, emphasizing communication skills. (The Sheriff has very recently decided to provide training in corrections to eligible staff through funds made available by the passage of SB 924. See page 12 of this report for a description of this legislation.)

Permanent cost savings to local governments operating under a civilian correctional administration have not materialized. In many counties salary levels of correctional officers have been equal to those of law enforcement officers.¹¹ In cases where initial savings were realized by hiring lower salaried persons, employee organizations have consistently and often successfully lobbied for pay equal to law enforcement officers. Civilian employees have also become members of the Safety Member Retirement System in many counties, thus, offsetting any savings in fringe benefits.¹²

⁸These programs and services, and organizational changes address recommendations made in earlier County reports. See Bay Area Social Planning Council, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 29 (work furlough), p. 35, 38 (medical services), p. 40 (psychological screening), p. 44 (food services), p. 45 (library), p. 47 (social services), p. 53 (religious programming), p. 57 (education furlough).

Committee on Rehabilitation Programs for the Incarcerated, Report of Committee on Rehabilitation Programs for the Incarcerated, April 23, 1974, p. 7 (work furlough), p. 9 (health and social services), p. 9 (substance abuse).

Bay Area Quest Program, Final Report - Contra Costa County Study of Female Offenders, June 28, 1976, p. 8 (education and work furlough), p. 10 (Friends Outside).

Women's Facility Task Force Alternatives to Incarceration Committee, Mental Health Advisory Board, Programming For Sentenced Women in Contra Costa County's Minimum Security Facility, October, 1977, p. 5 (utilization of established community agencies), pps. 5-6 (need for program coordinator, rehabilitation, education).

⁹Committee on Rehabilitation Programs for the Incarcerated, Report of Committee on Rehabilitation Programs for the Incarcerated, April 23, 1974, p. 5.

¹⁰This training is mandated by the State Board of Corrections and costs are reimbursed through POST subventions.

¹¹County of Alameda, Feasibility of Department of Corrections, April 3, 1974, p. 8.

¹²Detention Project Team, Contra Costa County, Lt. William Shinn, Report on Staffing of County Detention and Correctional Facilities, January, 1980.

Even in counties where correctional officers are not members of the Safety Retirement System, increases in social security costs have nullified any potential savings in fringe benefit costs. Cost savings may be achievable through the Sheriff's hiring of some non-permanent civilian staff, as is currently being done in the District Attorney's Office. Assessment of this option should await the opening of the pretrial facility.

The State Board of Corrections has recently stated that all of the County facilities are exceptionally well managed, reflecting advanced correctional practices in spite of some very dated, overcrowded facilities.¹³

Thus, it is concluded that the Sheriff's Department should continue to administer the County's current adult detention and corrections facilities. The focus now should shift to an evaluation of the Sheriff's capacity to coordinate and evaluate the array of services offered once the new pretrial facility is operational.

¹³State Board of Corrections, Report of Inspection of Local Detention Facilities to the California Legislature, March, 1980, p. 35.

IV. CORRECTIONAL PROGRAMS AND SERVICES

Planning Assumption: Unsentenced and sentenced programs and facilities will be planned, managed and evaluated on the basis of the County's adult corrections and detention goal of "the maximum use of cost effective alternatives to incarceration, consistent with public safety, and where such alternatives are not adopted, the constitutional, secure, and humane detention of arrested persons who cannot be released, and the reduction of recidivism through the provision of cost effective health and social services."¹⁴

The State Board of Corrections in their 1980 report to the Legislature outlines a strategy for dealing with jail overcrowding in the Proposition 13 era that is consistent with the Contra Costa corrections goal:

"It is the policy of the Board (State Board of Corrections) to support and encourage the full use of own recognizance release, supervised own recognizance release, field citation and/or citation release, and hold clearance assistance as means of minimizing overcrowding in jails by pretrial detainees. The Board recommends the utilization of these forms of (detention) population control to the fullest extent, consistent with public safety. The Board further supports and encourages the use of prerelease furlough pursuant to 1208 PC to facilitate positive re-entry into the community for jail release and the use of accelerated release as specified in 4024.1 PC as a means of minimizing overcrowding, consistent with public safety. Additionally, the 1980 revised Minimum Standards for Local Detention Facilities emphasize the practicality and desirability of counties developing community release program facilities -- minimum security, work education furlough programs and other facilities which involve inmate access into the community. It is suggested that such programs can be contracted for with community-based agencies to further reduce demands on sheriff's department personnel. Such programs do not require expensive construction as they can be located in existing structures. They are an alternate mode of incarceration rather than an alternative to incarceration and are a factor in providing positive re-entry to the community for screened, sentenced prisoners. Such programs along with restitution and community work sentences can be used to effectively reduce sentenced populations."¹⁵

¹⁴ Resolution No. 79/909, September 11, 1979, p.2.

¹⁵ State Board of Corrections, Report of Inspection of Local Detention Facilities to the California Legislature, March, 1980, pps. 190-191.

A great deal of research and program development was accomplished during the planning of the new Contra Costa pretrial facility on alternatives to incarceration and incustody programs and services. Population data indicated that the County's citation release program functioned as effectively as any in the State. Based on planning recommendations directed at speeding up the pretrial release process the Probation Department received AB 90 funds to supplement the own recognizance release and investigation program. A major pretrial diversion program is now operating in the Bay Judicial District.¹⁶ A review of these alternatives to incarceration programs should be accomplished once the pretrial facility is operational to determine if they are all being utilized to the fullest extent possible.

Incustody programs and services are described in an earlier section of this report (see page 6). An assessment of these programs and services should concentrate on what services are being provided, documentation of need, and impact on the target population.

Sentenced programs in Contra Costa County have not received as much recent attention as unsentenced programs. Although some of the proposed new programs and services will be available to sentenced inmates, e.g., substance abuse counseling, sentenced inmates in general require a different type and/or level of programming. Although the County's rate of incarceration for sentenced prisoners is also one of the lowest in the State, planners for the pretrial facility noted that, "a master plan would (probably) suggest expanded use of a variety of alternatives to incarceration for sentenced adults and a wider range of facilities options for incarcerated sentenced persons than now exist."¹⁷

A major component of sentenced programming should be work related. The County currently operates highly regarded work furlough programs for men and women. It is well documented that work furlough is a cost effective alternative to traditional incarceration. An analysis of the future sentenced population will include an assessment of whether work and education furlough facilities might be needed in other geographic areas of the County.

For those inmates who do not qualify for work or education furlough a vocational training program should be established.¹⁸ The program should be geared to inmate needs and abilities as well as the job market. Vocational training should not be developed solely around facility maintenance operations. The curriculum would have to take

¹⁶Such a program was recommended in the Bay Area Quest Program's Final Report - Contra Costa County Study of Female Offenders, June 28, 1976, p. 11.

¹⁷Facility Sciences Corporation, Contra Costa County Detention Facility Service Program: Concepts and Systems, December, 1976, p.IV-3.

¹⁸Recommended in the Bay Area Social Planning Council's, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 50 and Committee on Rehabilitation Programs for the Incarcerated. Report of Committee on Rehabilitation Programs for the Incarcerated, April 23, 1974, p.5.

into account the fact of constant turnover and the varying lengths of stay of trainees. It may be feasible to have local industry develop, finance and staff such a program.

Criminal and institutional history information and demographic characteristics of the sentenced population will be studied to evaluate the functioning of programs such as County Parole, as well as to determine whether any new programs such as adult residential centers are needed.¹⁹

The need for any new residential type programs, including work furlough, will be coordinated with State activities in this area. The California Department of Corrections will be expanding the number of community release beds over the next several years.²⁰ The State will be seeking new or expanded contracts with local private or public agencies to house State prisoners for a short period prior to their release. This approach will probably continue as overcrowding at the State level increases. The budget allocation for this expansion notes that county work furlough centers should be considered first. (The State currently contracts with Contra Costa County for 15 beds at the Work Furlough Center.)

¹⁹These centers were recommended in the Bay Area Social Planning Report, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 27.

²⁰Youth and Adult Corrections Agency, Department of Corrections, State of California, Community Release Program Study, May 1, 1980.

V. PROGRAMS AND FACILITIES FOR WOMEN

Planning Assumption: There will be equality in program and facility options for men and women.

Programs, services and facilities for women are often inadequate because women are such a small percentage of the corrections population. Training and employment opportunities are limited and are usually in low paying, "traditionally female" fields such as cooking, sewing, cosmetology.

Females differ in criminal history and demographic variables from their male counterparts. They have fewer marketable skills and less previous work experience. The majority still tend to be sentenced for crimes such as shoplifting, forgery, fraud. A large percentage of the women are also the sole support of their minor children.²¹ Women do have some of the same problems as men, such as drug and alcohol abuse.

Contra Costa has a women's work furlough program, but few of the sentenced women have jobs. Substance abuse counseling has recently been offered to men and women in the County facilities through a grant to the Health Services Department.

Given the particular needs and histories of women, programs such as vocational education, job counseling, work furlough, restitution and staff training in handling female offenders should be emphasized. Co-corrections vocational education programs are one way to provide access to programs that would otherwise be unavailable to women.

(Recent legislation will provide the opportunity for additional training to improve staff skill in working with inmates. SB 924 provides for 15 percent of the penalties from traffic citations to be diverted from the Drivers' Training Fund to provide training programs for local corrections personnel, including probation officers, county parole officers and sheriff's department personnel. The State Board of Corrections is responsible for administering the program and establishing minimum selection and training standards as well as certification of courses. Counties will receive subventions for training provided to eligible personnel. This program could be a cost effective method of addressing specific needs, such as staff training in working with female offenders.)

²¹Bay Area Quest Program, Final Report - Contra Costa County Study of Female Offenders, June 28, 1976, p. 11.

VI. SATELLITE BOOKING AND HOLDING FACILITIES

Planning Assumption: Four options will be considered regarding pretrial housing:

- (a) County assuming operation of one or more city jails
 - (b) Expansion of Martinez facility (including operational changes)
 - (c) Construction of new facilities in other populous regions of the County
 - (d) Continuation of current booking and holding procedures
- (or a combination of any of the above)

The issues surrounding the building of an unsentenced facility in West County and/or the development of satellite booking and holding facilities in West and East Counties have been debated in Contra Costa for many years. When the location and size of new pretrial space was being discussed in the early seventies, the Bay Area Social Planning Council staff recommended that the County construct a maximum security jail in Martinez and a multi-security adult correctional facility in the western part of the County.²²

When the decision to build a new jail in Martinez was made by the Board of Supervisors in April, 1973, it was the intent of some members of the Board to build a second jail in the western end of the County sometime in the future.²³

The rationale for a West County facility was based on the fact that a significant portion of the detention facility population came from the West County area. In addition, a significant percentage of the out-of-county inmates were from Alameda County communities in the vicinity of West County (primarily Oakland). Construction of a West County facility would provide detention near inmates' residences and convenient access for that area's police, attorneys and visitors.²⁴

The concept of satellite booking and holding facilities was examined in the 1973 study of police services in Contra Costa County. The authors, Booz.Allen, proposed that city jail facilities in Richmond, Concord and Antioch be taken over and operated by the Sheriff. The recommendation was tied to creation of a prisoner transportation bureau within the Sheriff's Department. The Sheriff would pick up prisoners from the regional stations and deliver them for court appearances. The justification for the proposed system for booking, handling and transportation of prisoners was that

²²Bay Area Social Planning Council, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 59.

²³In the Board of Supervisors of Contra Costa County, State of California, In The Matter of Decision on the Construction of New County Jail Facilities, April 24, 1973. (The 1976 Bay Area Quest Program, Final Report--Contra Costa County Study of Female Offenders, supported a West County minimum security facility for male and female offenders, p. 9.)

²⁴Contra Costa County Detention Facility, Background Report to the Environmental Impact Report, February, 1977, pps. 6-15.

it would be less costly to operate and result in a higher level of police service. (Cost calculations were based on anticipated workload related to booking and handling prisoners.) Two proposals were suggested to finance the operations:

- (1) divide applicable costs among user agencies
- (2) increase in the property tax rate.²⁵ (The passage of Proposition 13 eliminated the possibility of financing the proposed system through an increase in the property tax rate.)

Satellite facilities were supported by the 1974-75 Grand Jury,²⁶ and the Contra Costa County Chiefs of Police Association.²⁷

Major changes in the County's correctional system have taken place since publication of these reports. Of particular relevance are:

- (1) the development of work furlough programs for men and women in West County;
- (2) the construction of a new 383 bed pretrial facility in Martinez; and,
- (3) the soon to be operational law and justice information system which will standardize booking procedures throughout the County and eliminate duplicate bookings for the same offense.

These changes addressed some of the problems. However, the capacity recommendation for the new Martinez jail assumed a continued use of municipal holding facilities whether administered by the separate police departments or the Sheriff.²⁸

²⁵Booz.Allen, Final Report on the Police Services Study, Contra Costa County, January, 1973, pps. 106-119.

²⁶Contra Costa County Grand Jury, Interim Report, Law Enforcement, Judicial and Probation Committee, December 30, 1974, p. 71.

²⁷Letter to Alfred Dias, March 21, 1974.

²⁸Facility Sciences Corporation, Contra Costa County Detention Facility Service Program: Concepts and Systems, December, 1976. p. IV-4.

City jail operations are an optional municipal service (4004.5PC). Currently Antioch, El Cerrito, Pittsburgh and Richmond operate Type I facilities (which can hold detainees up to 48 hours excluding weekends and holidays, usually pending arraignment); and, Concord, San Pablo, Walnut Creek and Pleasant Hill, maintain temporary holding cells/facilities (which can hold detainees up to 24 hours pending questioning, arraignment if it will occur soon, or transportation to another facility. Closure of the city facilities, particularly those in Richmond, Antioch, Pittsburg and El Cerrito, would create an unanticipated increase in the Martinez jail population and create significant transportation costs for the cities (and nearby jurisdictions that use the facilities), as well as remove patrol officers from their beats to transport prisoners to the Martinez jail. However, it is very costly to the cities to maintain the facilities and city police chiefs and managers have supported the proposition that the County assume responsibility for holding and transporting prisoners. The recent Police Services Project report recommended that:

- (1) the Sheriff's Department provide a scheduled prisoner transportation service from city police departments to the County jail;
- (2) all "incustody" arraignments from the Delta Municipal Court and the Walnut Creek-Danville Municipal Court in addition to the Mt. Diablo Municipal Court be held in the courtroom at the new County Detention Facility; and,
- (3) initial steps be taken toward the establishment of a West County²⁹ booking and holding facility under the direction of the Sheriff.

Recent negotiations took place regarding transferring the operation of the Richmond City Jail to the Sheriff. The Sheriff proposed operating the jail as a booking and pretrial detention facility.³⁰ This effort as well as previous efforts have not resulted in a satisfactory arrangement because no agreement could be reached on allocation of financial responsibility between the cities and County.

Discussions have also taken place between representatives of the Police Services Committee and the courts regarding "incustody" arraignments at the new facility.³¹ This would eliminate the transportation of prisoners to court by city police departments once a prisoner has been booked into the County Jail and also would reduce prisoner transportation to outlying municipal courts by Sheriff's Department personnel.

²⁹Contra Costa County Criminal Justice Agency, Donald C. Leddy, Report and Recommendations in Regard to the Booking, Handling and Transportation of Pre-arraignment Prisoners in Contra Costa County, September 7, 1978, pps. 23-25.

³⁰Letter to the Board of Supervisors from the County Administrator/Sheriff-Coroner, Contra Costa County, Operation of the Richmond City Jail as a County Booking and Pretrial Detention Facility, April 10, 1980.

³¹Police Service Committee Minutes, March 22, 1979.

(Arraignment by closed circuit television was also researched. The investigators concluded that the cost of the system was too high to warrant further attention.)

It is appropriate at this point in the master plan process to focus on development of a prisoner transportation system under the direction of the Sheriff, and to determine whether the problems raised by municipal court officials ³² to "incustody" arraignments can be resolved.

The Sheriff's Department is currently researching the feasibility of contracting with the Los Angeles Sheriff's Department for out-of-county pickup and delivery of County prisoners. Cost savings should result from contracting with this program. A similar system may be feasible between the County and cities. It is recommended that the County Administrator assign a team of people including representatives from the County Administrator's Office, the Sheriff's Department and the cities and personnel with transportation planning and accounting expertise to design an intra-county prisoner transportation system. (Other transportation needs may be able to be addressed by such a system.)

The need for and/or the amount of additional pretrial space has been a major consideration in current negotiations regarding transferring city jail responsibility to the Sheriff. After the new facility in Martinez has been operating for awhile, a re-assessment of the pretrial population projections will be accomplished for the master plan. If decisions are reached regarding housing for sentenced men which lead to their removal from the Martinez jail, the pretrial space in Martinez will be adequate for a longer period. This would also be true if juvenile or trusty space was converted to unsentenced space.³³ After assessing space needs, the County must decide what type of pretrial program it wants to operate in order to determine whether or not assuming the operation of city jails and/or the expansion of the Martinez facility or construction of new facilities in other populous regions of the County is the most functional and cost effective.

³² Letter from Roy Chiesa, Clerk and Administrator, Walnut Creek-Danville Judicial District, to Donald C. Leddy, Coordinator, Police Services Project, February 28, 1978.

³³ Facility Sciences Corporation, Contra Costa Detention Facility Service Program: Concepts and Systems, December, 1976 pps. II-26-27.

VII. COURTS/OTHER CORRECTION-RELATED FACILITIES

Planning Assumption: Research in the courts area will focus on program and/or administrative procedures that impact on court processing.

Contra Costa County staff are currently working with judges from the Superior Court on planning for additional courtrooms. Staff have concluded that additional courtroom space should be provided in the Martinez Civic Center based on the premise that, "courts are most efficient when grouped close together, and the assumption that there will be no consolidation of municipal and superior courts by the Legislature affecting the location of the Superior Courts..."³⁴

Funds have also been allocated in the current County budget for space planning for the Delta, Mt. Diablo, Walnut Creek-Danville and Bay Judicial Districts.

In the courts area, master plan staff will focus on program and/or administrative procedures that impact on court processing. Staff will look into recommendations that have been made in the past, such as night and weekend courts, and the "maximum avoidance of both weekend sentences and the imposition of jail sentences in lieu of payment of fines."³⁵
The impact of changes brought about by the Court Delay Project and judicial plea bargaining procedures will be discussed.

The need for other correction-related facilities such as administrative space for the Sheriff or space in any new complex for the District Attorney, Public Defender and Probation Department will be considered in the master plan development process. The need for other facilities may become apparent through master plan research, e.g. a secure psychiatric facility in a health setting, and will be noted.

³⁴ Letter from M.G. Wingett, County Administrator to Honorable Richard P. Calhoun, Presiding Judge of the Superior Court, Contra Costa County, May 14, 1980.

³⁵ Bay Area Social Planning Council's, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 25.

VIII. JOINT SENTENCED FACILITY

Planning Assumption: Contra Costa County should take the initiative in developing shared custody arrangements with nearby counties with similar correctional philosophies for sentenced male and female prisoners.

Several counties are close enough to Contra Costa to make shared custody arrangements possible. Funding possibilities might be enhanced by a shared facility proposal.

A joint sentenced facility should:

- (1) be within a reasonable distance from all points in the County (for visiting purposes and transportation to court);
- (2) provide programming and a physical environment compatible with County correctional goals; and,
- (3) provide the most cost effective way of handling sentenced prisoners.

Contacts will be made with county officials in Napa, Sonoma, Solano, San Joaquin, Sacramento, Santa Clara, Marin, San Francisco and Alameda.

Shared custody arrangements take a variety of forms, from Joint Powers Agreements to simple contracts for space. Selection depends on a number of factors. A key factor for Contra Costa will be the number and classification of sentenced prisoners in the next 10 to 20 years. The County will, of course, continue to operate the work furlough facilities in West County, and depending on sentenced population projections it may be cost effective to develop another work furlough facility in Central and/or East County. Because of the small number of sentenced prisoners remaining (those not eligible for work furlough) a shared facility might be the most cost effective.

It appears from other counties' experiences in planning joint facilities, the most successful have been where one county builds and operates a facility taking into account the population needs of other interested jurisdictions and then those jurisdictions contract for space.³⁶

State and Federal representatives will also be contacted regarding possible shared arrangements. A sentenced facility independent of any other jurisdiction will also be evaluated.

This planning assumption will also apply to joint programs for the corrections population.

³⁶ See County of Shasta, Criminal Justice Study New Shasta County Jail Facility, June, 1977, pps. II-42-48.

IX. COUNTY COORDINATION WITH THE STATE AND FEDERAL GOVERNMENT

Planning Assumption: Federal and State responsibility for financing detention improvements will be encouraged.

County officials have continually lobbied State officials to assume more of the correctional burden or to provide more resources to counties for correctional purposes. The Bay Area Social Planning Council staff recommended that Contra Costa County seek legislation to provide a State subsidy for construction and operation of jails, work furlough programs, and residential centers for adult offenders.³⁹

A number of activities are currently taking place around this issue. The County Supervisor's Association is lobbying for an amendment to AB 2973 which would provide 200 million dollars over the next five years for construction of county jails from State revenues derived from tidelands oil. Contra Costa County sent support letters to the Senate Finance Committee. The bill is currently on the Governor's desk for his signature. If this money becomes available, a distribution scheme will have to be developed. The Contra Costa County Criminal Justice Agency Executive Director is currently serving on an ad hoc committee composed of representatives of regional criminal justice planning agencies, the State Board of Corrections, the California Department of Corrections and the County Supervisor's Association which will consider recommendations on distribution formulas as well as other State/county correctional issues.

The State Board of Corrections has recently been awarded a \$200,000 LEAA grant to develop a training package to assist counties in accomplishing correctional needs assessments. Master plan staff will monitor and participate where appropriate in this effort and other efforts that might impact on local corrections planning.

The County Supervisor's Association also has an Administration of Justice Committee that discusses criminal justice policy issues at quarterly meetings. Participation in such activities is consistent with the intent of the County Administrator's Office that the master plan development process be dynamic.

Staff will also monitor Federal activities that impact on local corrections, such as legislation to provide funds for local correctional construction and program development. This type of monitoring must become part of the master plan update process.

³⁹Bay Area Social Planning Council's, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 13, 1972, p. 74.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE II

POPULATION PROJECTIONS FOR THE
CONTRA COSTA COUNTY DETENTION AND CORRECTIONS SYSTEM

December 1981

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ABSTRACT

This report contains population projections made for the Contra Costa County detention and corrections system for the period 1982-2000. These forecasts are based on a data sample of jail inhabitants collected for the period 1978-1981. The conclusion of this study is that the jail population will rise by between 34 and 75 percent in the 1981-1987 time period. Moreover, by the year 2000, it will exceed current levels by between 85 and 267 percent.

I. INTRODUCTION

The methodology employed to make these population forecasts involved independently projecting three different parameters and then using these parameters to make a jail* population forecast. The three parameters are:

a) County Population (P)

This quantity is a forecast for the overall population of Contra Costa County. It is expressed in total persons.

b) Incarceration Rate (IR)

This quantity is the rate at which Contra Costa County residents become jail inhabitants. It is expressed as persons per 100,000 population per year.

c) Average length of Stay of Jail Inhabitants (ALS)

This number is the average length of time a jail inhabitant remains in jail. It is expressed in hours.

The basic formulas employed to make jail projections based on the above three quantities are indicated below. In each formula, the quantity that is involved is indicated, and then in parentheses the units are given in which that quantity is expressed.

$$\begin{aligned} \text{Projected Jail Admissions (persons per day)} = \\ \text{projected County population (in 100,000's)} \times \\ \text{projected incarceration rate (persons per 100,000 per year)} / 365 \\ \text{(days per year)} \end{aligned}$$

*When used in this report, "jail" refers to all County adult detention and corrections facilities: the County Detention Facility, the Rehabilitation Center, the Men's Work Furlough Facility, and the Sentenced Women's Facility.

Projected jail population (persons) =

$$\text{projected jail admission (persons per day)} \times \\ \text{average length of stay (hours)} / 24 \text{ (hours per day)}$$

The first formula states that jail admissions per day are equal to the County population multiplied by the incarceration rate for the County. The 365 corrects the discrepancy of units. The second formula then states that the jail population is computed from the average length of stay in hours divided by 24, which yields the average length of stay in days. This number is then multiplied by the jail admission rate.

In this study two incarceration rates are projected. The first is a "cautious" estimate which is conservatively low, while the second is fitted to the data and is higher. As a result, two population forecasts are made. The first uses the lower IR, while the second uses the higher value. As a result, it is predicted that the real jail population will lie in between these two projections.

The remainder of this report is organized as follows: In Section II, the data sample which was collected is discussed. Then in Sections III, IV, and V, projections for P, IR, and ALS respectively are made. Lastly, Section VI contains the projections and some conclusions.

II. THE DATA SAMPLE

A data sample consisting of all persons who were admitted to the Contra Costa County jail system during the last week of March in the years 1978-1981 was collected. In addition, one more exhaustive data sample consisting of all persons who were admitted during the month of April 1981 was collected. The following information was used about each of these persons in the study:

- 1) His/her time served in hours
- 2) His/her release classification, i.e.,
 - released by posting cash bond
 - released by posting bail bond
 - citation release
 - released due to time served on a sentence
 - released because charges were dropped
 - released on an outside hold to a State agency
 - released on an outside hold to a non-State agency
 - released on ones own recognizance (OR)
 - miscellaneous release
 - released because of a court order
 - released due to time served for an unsentenced person

Because the coding of the type of release varied from year to year among the last four categories, those categories had to be combined. For example, "OR" release was sometimes coded as "miscellaneous". In addition, some persons who are in jail pending a trial are released with a coding of "court order" or "time served unsentenced".

Table 1 summarizes the number of persons in each release category for each data set. In parentheses is given the ALS for persons in this group. For

example, in the last week of March 1978, there were 47 persons who were admitted to the Contra Costa County jail system who obtained release by "citation release". On the average, these 47 persons served five hours in the jail system.

TABLE I

AVERAGE LENGTH OF STAY BY RELEASE CLASSIFICATION

Data Set	March 1978	March 1979	March 1980	March 1981	April 1981
Size	1 week	1 week	1 week	1 week	1 month
Citation Release	47 (5)	50 (6)	56 (8)	76 (7)	291 (5)
Cash Bond	24 (12)	26 (15)	20 (13)	38 (17)	166 (35)
Bail Bond	29 (58)	29 (178)	34 (80)	45 (52)	142 (102)
Charges Dropped	7 (71)	4 (34)	12 (92)	12 (12)	50 (28)
Total for above 4	107 (25)	109 (49)	122 (37)	171 (21)	649 (36)
Time Served Sentenced	25 (459)	24 (443)	29 (473)	62 (415)	255 (842)
Outside Hold State	21 (637)	18 (1134)	14 (1119)	6 (1335)	50 (1208)
Outside Hold Other	8 (164)	20 (126)	8 (145)	12 (664)	51 (315)
Court Order Miscellaneous OR Time Served Unsented	38 (522)	49 (413)	77 (274)	68 (408)	261 (342)
GRAND TOTAL	200 (246)	220 (269)	250 (224)	319 (229)	1275 (316)

III. COUNTY POPULATION

The Contra Costa County Planning Department data, modified by the 1980 Census Data, is used as follows: From the 1977 Planning Department report, the median County population was projected to be:

<u>Year</u>	<u>Population</u>	<u>Rate of Increase per Year</u>
1980	622,078	-
1985	671,875	1.5
1990	718,931	1.4
1995	759,570	1.1
2000	794,449	0.9

For example, the County population is expected to increase at 1.5 percent per year until 1985 and then at 1.4 percent until 1990. These rates of increase are used in the population estimates.

The preliminary 1980 census report indicates the County population at 650,155. Hence, the actual 1980 census population and then the Planning Department rates of increase are used to project the following table:

<u>Year</u>	<u>Population</u>
1978	630,797
1979	640,403
1980	650,155
1981	659,907
1982	669,806
1983	679,853
1984	690,051
1985	700,402
1986	710,207
1987	720,150
1988	730,232
1989	740,455
1990	750,822
1991	759,081
1992	767,431
1993	775,872
1994	784,407
1995	793,035
1996	800,173
1997	807,374
1998	814,641
1999	821,972
2000	829,370

IV. INCARCERATION RATE

Based on the above data and the data from Table 1, incarceration rates for 1978-1981 can be obtained as follows:

<u>Year</u>	<u>County Population</u>	<u>1 Week Jail Admissions</u>	<u>Incarceration Rate (rate per 100,000 per year)</u>
1978	630,797	200	1649
1979	640,403	220	1786
1980	650,155	250	2000
1981	659,907	319	2514
	659,907	298	2348

The last column is found by multiplying the one-week jail admissions by 52 and dividing by the County population in 100,000's. There are two different estimates for 1981 because there is a one-week data sample (319) and a one-month data sample (1275). Multiplying 1275 by (7/30) gives 298.

The larger 1981 data sample is more accurate, so the incarceration rate calculated from that data is used. Based on the four values for IR, two different projections are made for future IR. The first is a straight-forward linear regression as shown in Figure 1. This projection shows the incarceration rate rising by 230 people per year over the next five-year period. The second curve shows a more "cautious" projection which has been fitted by eye to the data.

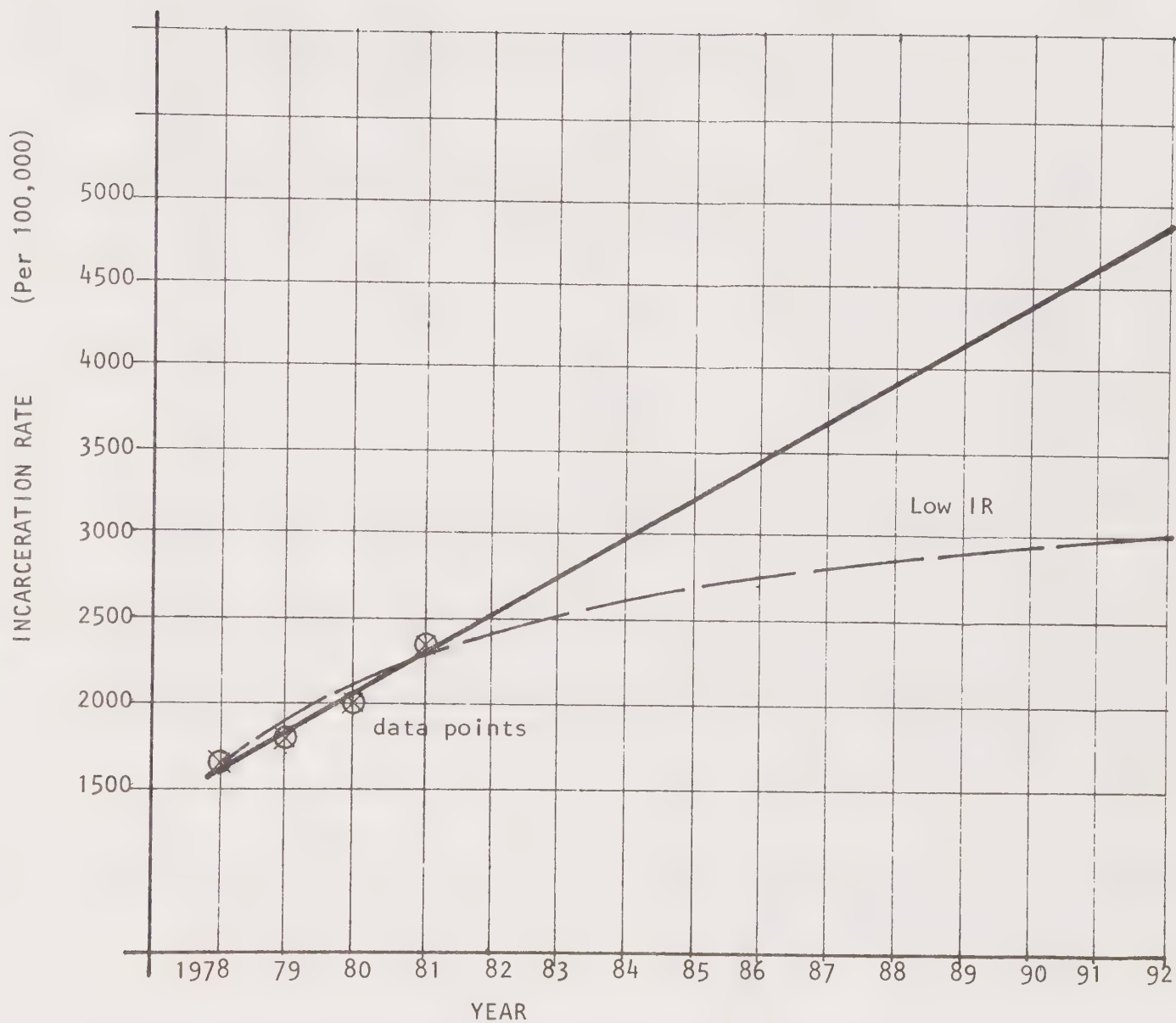


FIGURE 1: PROJECTED INCARCERATION RATE, CONTRA COSTA COUNTY

V. AVERAGE LENGTH OF STAY PREDICTION

There are several facts that are striking about Table 1 concerning the average sentence length data.

- 1) The number of short-term prisoners (citation release, cash bond, bail bond and charges dropped) has been steadily rising. However, their average sentence length has fluctuated considerably but no long-term trend is evident.
- 2) The length of time served by sentenced prisoners who were released for time served was essentially a constant for the four one-week data samples. However, the one-month data sample shows an ALS about twice that amount. This will be discussed later.
- 3) The ALS for "outside hold - State" has been relatively constant for the period 1979-81.
- 4) The remaining two categories exhibit substantial fluctuation but no discernible trend.
- 5) The overall ALS for the one-week data samples was essentially a constant in the 225-270 range (about 10 days). However, the one-month data sample was noticeably higher (316). This results from point two concerning a higher ALS for sentenced prisoners.

Since there are a small number of prisoners who serve substantial sentences, it is likely that a sample of one week duration might not have enough of these prisoners to obtain a viable ALS. Alternately, it is possible that long-term prisoners are rarely admitted during the last week of a month. In any case, there seems only one possible conclusion to draw from the data set in Table 1.

Conclusion:

There is no noticeable trend of ALS either up or down over the last four years. Since the one-month sample of data is the most exhaustive, it is used as a source for a constant ALS of 316 hours.

VI. PROJECTIONS

The data set excludes "weekenders" (currently about 40 persons per weekend); consequently, the following numbers consist of the projections for jail population excluding such prisoners:

<u>Year</u>	<u>Low IR</u>	<u>Low Jail Projection</u>	<u>High IR</u>	<u>High Jail Projection</u>
1978	1640	373	1600	364
1979	1900	439	1830	423
1980	2100	492	2060	483
1981	2280	543	2290	545
1982	2400	580	2520	609
1983	2500	613	2750	674
1984	2580	642	2980	742
1985	2670	675	3210	811
1986	2740	702	3440	869
1987	2800	727	3670	953
1988	2850	751	3900	1027
1989	2900	775	4130	1103
1990	2950	799	4360	1181
1991	3000	821	4590	1257
1992	3040	841	4820	1334
1993	3080	862	5050	1413
1994	3120	883	5280	1494
1995	3160	904	5510	1576
1996	3200	924	5740	1657
1997	3240	944	5970	1739
1998	3280	964	6200	1821
1999	3320	984	6430	1906
2000	3360	1005	6660	1992

The general conclusion is that the jail population is likely to rise for the rest of this century.* The incarceration rate has shown a dramatic growth over the last four years, and one must expect the past trend to continue. Any increase in the incarceration rate translates directly into increased jail population. The lower projections are based on the incarceration rate increasing more slowly than in the past.

The population of the Contra Costa County detention and corrections system was 560 persons on April 30, 1981 which agrees closely with the independent prediction. Moreover, the average of the population on the last days of March, April and May was 544 persons, which is exactly our estimate.

The following table can also be predicted:

*Adult institutional population projections have been made to the year 2000. However, projections change dramatically as the assumptions on which they are based change. For example, a change in the law such as a mandatory jail term for a particular offense would change the current projections. Projections must be updated annually, and projections above a five-year span should be used very cautiously.

<u>Release Code</u>	<u>Percentage of Jail Population</u>	<u>Expected 1981 Jail Population</u>
Citation release	0.3	2
Cash bond	1.4	8
Bail bond	4.0	22
Charges dropped	0.3	2
Time served	53	287
Outside hold - State	15	82
Outside hold - other	4	22
4 other categories	22	120

Hence, although there are many short-term admissions (e.g., prisoners released on citation release, cash bond, bail bond, and charges dropped), there are very few of them in jail at any one time (34). The reason is that they all serve a very short stay. The majority of the prisoners (287) are sentenced prisoners who will serve out their time. Any effort to reduce the Contra Costa County jail population in a substantive fashion would have to concentrate on these last persons.

Moreover, the four-year data sample contained 12.6 percent women. On the average, these women served 0.636 times as long as their male counterparts. The data sample of females is quite small, so there is substantial fluctuation from year to year, but no discernible trend is evident. Hence, it is predicted that the fraction of incarcerated persons which are women will remain at the above level and they will continue to serve a shorter sentence than males. As a result, it is predicted that the jail population will consist of:

males	91.6 percent
females	8.4 percent

Lastly, the four-year data set was examined for the fraction of unsentenced prisoners. The number from year to year fluctuates, but no discernible trend is evident. Hence, the April 1981 data is used as follows:

	<u>Unsentenced</u>	<u>Sentenced</u>	<u>Total</u>
Number	963	312	1275
ALS	167.2	773.4	316
Percentage	40	60	100

Although there are many more unsentenced prisoners, they serve less than one-quarter as long as their sentenced counterparts. Hence, they contribute only 40 percent to the total jail population.

UPDATE TO PHASE II - POPULATION PROJECTIONS
FOR THE CONTRA COSTA COUNTY DETENTION AND CORRECTIONS SYSTEM

January 1982 Analysis of Felony and Misdemeanor Contribution to the
Detention System Population

UPDATE
to
POPULATION PROJECTIONS FOR THE CONTRA COSTA COUNTY
DETENTION AND CORRECTIONS SYSTEM: December 1981

ANALYSIS OF THE FELONY AND MISDEMEANOR CONTRIBUTION
TO THE DETENTION SYSTEM POPULATION

The data sample¹ of jail inhabitants collected for the period 1978-1981 for population projection purposes was divided into felony and misdemeanor categories to analyze the impact of each category on the detention population, and to determine if any significant changes had occurred in the number and/or average length of stay in either of these categories of jail inhabitants.

The incarceration rate² in Contra Costa County between 1978 and 1981 has risen by approximately 35 percent, from 1,649 persons to 2,514 persons per 100,000 population per year. As shown in Table 1, the number of felons has been rising with the incarceration rate and has increased by approximately 30 percent over that same period, from 66 persons to 83 persons. The number of misdemeanants incarcerated has increased by approximately 75 percent (from 134 persons to 236 persons). As the incarceration rate goes up, it is expected that the number of persons in all categories would also increase. The number of misdemeanants incarcerated has increased faster than the incarceration rate, and the number of felons has gone up more slowly.

There is no evidence from this data that, overall, felons or misdemeanants are being held for any longer or shorter period of time.

It should be kept in mind that although there has been a big increase in the number of misdemeanants incarcerated, their impact on system capacity is not as significant as for felons held. The 83 felons serving 652 hours contributed more than 50 percent of the jail population. Said differently, the 236 misdemeanants serving 120 hours are less than one-half as significant as the 83 felons serving an average of 652 hours. There were approximately 300 felons in the system at any one time out of the total system count of approximately 545 in March 1981. Misdemeanants contribute about one-fourth of the detention capacity, while felons contribute about three-fourths of the total capacity.

¹The data sample consists of all persons who were admitted to the Contra Costa County detention system during the last week of March in the years 1978-1981.

²The incarceration rate is the rate at which Contra Costa County residents become jail inhabitants. It is expressed as persons per 100,000 population per year.

TABLE 1

AVERAGE LENGTH OF STAY BY
FELONY AND MISDEMEANOR CATEGORIES*

<u>Year</u>	<u>Felony Prisoners</u>		<u>Misdemeanor Prisoners</u>	
	<u>Hours</u>	<u>Persons</u>	<u>Hours</u>	<u>Persons</u>
1978	568	(66)	72	(134)
1979	607	(66)	138	(154)
1980	493	(89)	76	(161)
1981	652	(83)	120	(236)

*Includes both sentenced and unsentenced prisoners.

As can be seen from Table 2, the average length of stay for sentenced felons has increased, indicating that sentences are tougher. The average length of stay for unsentenced felons has fluctuated and there is no particular trend evident. The number of unsentenced felons in custody appears to be rising. The overall increase of felons from 1978 to 1981 (of 30%) is primarily unsentenced felons; there are few sentenced felons.

TABLE 2

AVERAGE LENGTH OF STAY FOR
SENTENCED AND UNSENTENCED FELONY PRISONERS

<u>Year</u>	<u>Felony Prisoners</u>		<u>Unsentenced Prisoners</u>	
	<u>Hours</u>	<u>Persons</u>	<u>Hours</u>	<u>Persons</u>
1978	506	(14)	612	(52)
1979	553	(10)	616	(56)
1980	845	(20)	393	(69)
1981	1,667	(10)	513	(73)

The most significant data in Table 3 is the big increase in the number of misdemeanor sentenced persons between 1980 and 1981. The number of unsentenced misdemeanants is rising at about the same rate the incarceration rate is rising. However, the sentenced misdemeanants are rising about three times as fast. The contribution to the detention system population of the 60 sentenced misdemeanants serving 317 hours is more than two times as much as the 176 persons serving an average of 53 hours.

TABLE 3

AVERAGE LENGTH OF STAY FOR
MISDEMEANOR SENTENCED AND UNSENTENCED PRISONERS

<u>Year</u>	<u>Sentenced Prisoners</u>		<u>Unsentenced Prisoners</u>	
	<u>Hours</u>	<u>Persons</u>	<u>Hours</u>	<u>Persons</u>
1978	278	(20)	36	(114)
1979	391	(20)	101	(134)
1980	277	(21)	46	(140)
1981	317	(60)	53	(176)

Conclusion

Overall, sentenced felons are staying in jail longer, but there are very few sentenced felons in the overall capacity. The other categories of prisoners, i.e., unsentenced felons and sentenced and unsentenced misdemeanants, are increasing at the same rate as the incarceration rate, except for the big increase in sentenced misdemeanants between 1980 and 1981. The result of this sentencing pattern has been an increase in the detention system population.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE II

ALTERNATIVES TO ADULT INCARCERATION

March 1981

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I. INTRODUCTION

This report describes alternatives to incarceration in Contra Costa County. In order to analyze the use of alternatives, the report also discusses the flow of people through the system and the profile of persons incarcerated in Contra Costa County adult detention facilities.

An alternative to incarceration is any procedure or program which reduces the reliance on secure detention of prisoners. Thus broadly defined, the phrase encompasses minimum supervision and security forms of custody, such as work furlough centers, in addition to traditional alternatives such as diversion and probation. This analysis of alternatives to incarceration also includes review of various criminal justice practices that affect incarceration levels, even though the immediate purposes of these practices may have little to do with incarceration. The speed with which pretrial and trial processes are completed, for example, affects the length of incarceration for persons remaining in custody during trial.

A. ORGANIZATION OF REPORT

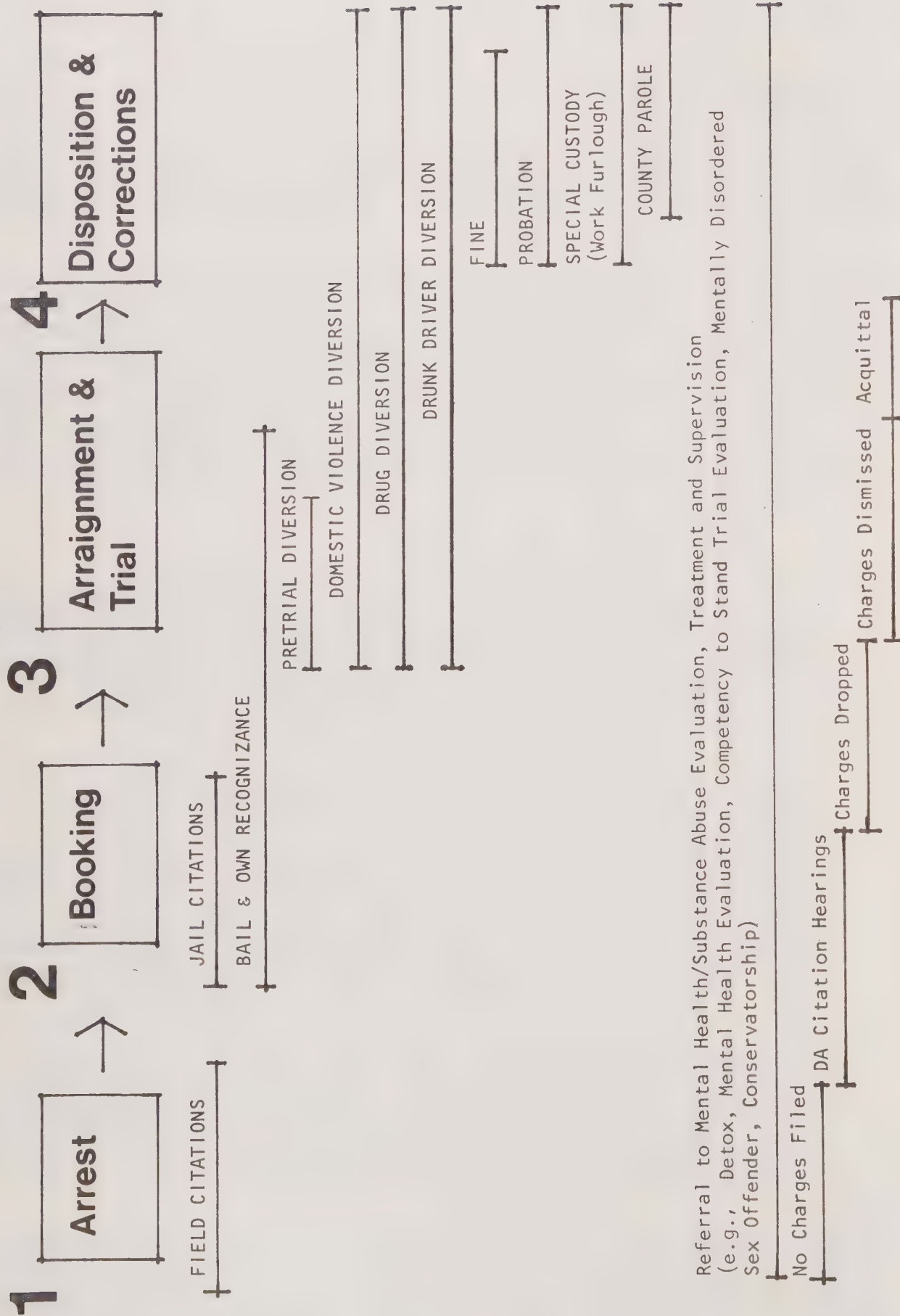
For the Corrections Master Plan process, the concern is with alternatives that have some direct bearing on incarceration capacity needs. Figure 1: Schematic of Alternatives to Incarceration in the Criminal Justice System summarizes the primary alternatives to incarceration. The bulk of this report will be devoted to the alternatives identified in Figure 1, and the organization of this report follows roughly the sequence of criminal justice stages and corresponding alternatives.

Stages 1 through 3 in Figure 1 encompass presentence criminal justice activities and presentence alternatives. The general assumption in these stages of the criminal justice process is that in the absence of compelling reasons for incarceration (i.e., person is not likely to appear in court), the defendant should not be incarcerated. After a conviction, the decision regarding whether or not to incarcerate an individual reflects correctional philosophies and resources. Alternatives during the presentence stages are, thus, primarily mechanisms for release of defendants from custody: e.g., field and jail citations with a "promise to appear" in court, or bail and own recognizance release in situations in which some greater assurance of the defendants appearance in court is thought necessary.

Alternatives at the disposition stage of the criminal justice system tend to be more programatically oriented. Eligibility criteria for probation, for example, include consideration of the correctional benefits to be derived from this alternative to incarceration. Similar arguments regarding correctional benefits are applied to diversion programs which bridge both presentence and sentencing stages of the system.*

*Because alternatives to incarceration occur at all stages of the system, and because in many stages there are several potential alternatives, "alternatives to incarceration" may, in fact, be alternatives to other alternatives. For example, an individual eligible for diversion might receive a fine or probation rather than incarceration if diversion were not available.

FIGURE 1: SCHEMATIC OF ALTERNATIVES TO INCARCERATION IN THE CRIMINAL JUSTICE SYSTEM



Finally, there are two "streams" of alternatives which are, in effect, alternatives to criminal justice jurisdiction generally. As shown in Figure 1, a defendant may shift out of the criminal justice system, and into a different social intervention network such as the mental health system. This transfer can occur at nearly any point in criminal justice proceedings. (As discussed in Phase II: Health Care and Criminal Justice, there is a growing number of persons who are arrested who suffer from severe mental health disorders.) In addition, criminal justice officials may choose at any point in the process to drop charges against a defendant. This possibility is also shown in Figure 1. Subsequent sections of the report will present data on the rates at which charges are dropped at various stages of the criminal justice process.

This report is divided into two sections. The "Presentence Alternatives" section discusses alternatives, including the diversion programs that occur or begin in Stages 1 through 3 in Figure 1. The second section, "Sentencing Alternatives", discusses the disposition of criminal cases in Contra Costa County and the resources available for alternatives to incarceration.

B. PRISONER PROFILE

It is appropriate to begin a discussion of alternatives to incarceration with a brief summary of the incarcerated population in Contra Costa County. Table 1: Prisoner Profile Summary* and Table 2: Age and Sex Profile by Charge Category summarize the profile characteristics of the prisoner population in County detention facilities. This profile serves as a backdrop against which the discussion of alternatives will take place.

As shown in Table 1, about 36 persons per day are booked into County facilities. Of these about two-thirds are booked on misdemeanor charges, one-third on felony charges.** Approximately one in six are booked into the jail because they have been sentenced to serve time; the remaining five-sixths are pretrial prisoners who have been arrested but not tried or convicted. Nine out of ten are men. As shown in Table 2, the largest group of those booked (43%) are charged with some violation of the vehicle code (and among those, the majority are charged with drunk driving).***

* Prisoner profile data was gathered from a one week sample period - March 25-31, 1980.

**Data gathered for the planning of the new County Detention Facility will be used in this report for comparative purposes where appropriate. The average daily intake into County facilities for the first half of 1976 was 30. Of these two-thirds were booked on misdemeanor charges, one-third on felony charges. Thus, the percentage of misdemeanor and felony charges has remained the same. (Source: Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December, 1976, p. II-1.)

***Persons charged with vehicle code violations accounted for over 50 percent of bookings in 1976. (Source: Ibid.)

TABLE 1

PRISONER PROFILE SUMMARY

(Sample: persons booked during March 25-31, 1980)*

I. Intake

1. Total Daily Intake	35.7	
2. Charge at Intake		
Felony	12.4	(34.7%)
Misdemeanor	23.3	(65.3%)
3. Status at Intake		
Sentenced	5.9	(16.5%)
Unsentenced	29.9	(83.5%)
4. Sex		
Male	32.1	(90.0%)
Female	3.6	(10.0%)

II. Average Daily Population

1. Total ADP	432.3	
2. Main Jail		
Total	176.4	(40.8%)
Male	170.6	
Female	5.9	
3. County Hospital	1.3	(0.3%)
4. Rehabilitation Center	86.4	(20.0%)
5. Branch Jail	60.6	(14.0%)
6. Out-of-County		
Total	46.9	(10.8%)
Male	38.3	
Female	8.6	
7. Richmond Facilities (Men's Work Furlough and Sentenced Women's Facility)		
Total	60.7	(14.0%)
Male	44.6	
Female	16.1	

*All averages rounded to nearest tenth.

TABLE 2

AGE AND SEX PROFILE, BY CHARGE CATEGORY

(Sample: persons booked during March 25-31, 1980)

	Total Bookings	Sex		Age Categories					
		Male	Female	0-19	20-24	25-29	30-34	35-39	40+
I. <u>Misdemeanors</u>	(%)	(%)	(%)						
Petty Theft/Property Crimes	18 (7.2)	12 (5.3)	6 (24)	1	6	4	2	1	4
Assaults/Crimes v. Persons	8 (3.2)	8 (3.6)	-	-	3	3	1	-	1
Substance Abuse Violations	11 (4.4)	10 (4.4)	1 (4)	-	-	3	4	-	4
Traffic/Vehicle Code	108 (43.2)	101 (44.9)	7 (28)	4	30	31	7	10	25
Miscellaneous	16 (6.4)	16 (7.1)	-	2	4	6	3	1	1
Total Misdemeanors	161 (64.4)	147 (65.3)	14 (56)	7 (41.2%)	43 (58.1%)	47 (66.2%)	17 (54.8%)	12 (70.6%)	35 (87.5%)
II. <u>Felonies</u>	(%)	(%)	(%)						
Theft/Property Crimes	39 (15.6)	32 (14.2)	7 (28)	3	13	15	7	1	-
Assaults & Robberies	21 (8.4)	20 (8.9)	1 (4)	5	5	5	3	2	1
Substance Abuse Violations	10 (4.0)	9 (4.0)	1 (4)	-	7	1	2	-	-
Other/Miscellaneous	6 (2.4)	5 (2.2)	1 (4)	2	2	-	-	-	2
Total Felonies	76 (30.4)	66 (29.3)	10 (40)	10 (58.8%)	27 (36.5%)	21 (29.6%)	12 (38.7%)	3 (17.6%)	3 (7.5%)
III. Misc. Outside Holds	13 (5.2)	12 (5.3)	1 (4)	-	4 (5.4%)	3 (4.2%)	2 (6.5%)	2 (11.8%)	2 (5.0%)
TOTALS	250(100%)	225(100%) (90% Total)	25(100%) (10% Total)	17 (6.8% Total)	74 (29.6% Total)	71 (28.4% Total)	31 (12.4% Total)	17 (6.8% Total)	40 (16.0% Total)

Most of the persons booked are young: approximately two-thirds are under 30 years of age, and only about one-sixth are over 40.

Table 1 also provides a "snapshot" of the total County incarcerated population on an "average" day. Although this cross section may change when the new Detention Facility is fully operational, the average daily population (ADP) does show the level of incarceration that has been the case up to the opening of the County Detention Facility.

The alternatives to incarceration described in this report are in some senses the reverse side of past incarceration practices. Total ADP in the adult detention facilities (prior to the new County Detention Facility) was 432. Of this number, about 40 percent were housed in the old Main Jail, 20 percent in the Rehabilitation Center, 14 percent in the Branch Jail and 14 percent in the Richmond facilities. About 10 percent of the County's adult prisoners had to be housed in facilities outside the County.* These figures reflect the pressures on capacity in the detention system; use of alternatives was presumably stressed in an effort to alleviate housing pressures. Now that the new Detention Facility is in operation, the pressures for housing may ease somewhat. That, in turn, raises the possibility that the release options and alternatives to incarceration will be used at lower rates.

A county's use of alternatives to incarceration is sensitive to many factors aside from the "merits" of the alternatives themselves. The level of crowding in institutions is one such factor; other factors are discussed in the following section.

C. THE ROLE OF ALTERNATIVES TO INCARCERATION IN CORRECTIONS MASTER PLANNING

There are two primary roles for analysis of alternatives to incarceration in a Corrections Master Plan. One role reflects the fact that alternatives to incarceration allow county officials flexibility and some measure of control over detention capacity pressures; alternatives maximize a county's investment in their detention facilities. Many of the factors pertinent to detention resources and requirements are not completely manipulatable or controllable by local officials. These factors include overall population growth rates, crime rates, and other demographic trends that may have some bearing on incarceration rates and numbers. Other factors include policies set in other political jurisdictions. Penal

*The total ADP rose from 378 in 1976 to 432 in 1980. Of the 378 in 1976, 42% were housed in the old Main Jail, 32% in the Rehabilitation Center, 13% in the Branch Jail and 8% in the Men's Work Furlough Facility (the Women's Sentenced Facility was not yet completed). About 3% of the County's adult prisoners were housed in facilities outside the County. (Source: Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, p. II-6.)

code changes, as well as state or national public finance trends, affect incarceration practices at the county level, even though county officials typically have little influence over such changes. Alternatives to incarceration can, if properly designed and planned, provide a county with administrative and fiscal flexibility in dealing with criminal justice and corrections populations.

The second context for analysis of alternatives to incarceration is less managerial, more ideological. The way and degree to which a county uses alternatives to incarceration reflects its correctional philosophy and its definition of "justice". Most national standards (as well as County policy) urge that the "least restrictive" or "least drastic" alternative suitable to a particular individual be used.* However, the selection of which alternatives are appropriate for a particular local corrections system, or for a particular prisoner, is left to the local jurisdiction. While a planning report cannot "make" policy decisions regarding use of alternatives to incarceration, it can analyze the kinds of prisoners or defendants in process in the criminal justice system and evaluate the potential impact of alternatives upon the system and upon the criminal defendants or prisoners so profiled. Such an evaluation should discuss not only fiscal implications; it should also consider "due process" and other ethical and philosophical consequences.

D. METHODOLOGY AND PURPOSES OF THIS REPORT

Beginning with the 1972 "BASPAC Report"**, alternatives to incarceration has been a much examined subject in Contra Costa County. The present report brings that discussion "up-to-date" by: (a) summarizing the existing status of alternatives to incarceration in the County, and (b) pointing to certain areas or issues for further discussion or policy analysis. The identification of issues is based on earlier efforts, including the BASPAC Report and the new jail's Detention Facility Service Program***, and on interviews with officials in criminal justice and in alternatives programs. In addition, sample data were examined on bookings and release practices at city and County detention facilities, along with case disposition data available from the California Bureau of Criminal Statistics.

The primary concern in this report is to describe and inventory, not evaluate in detail, the current use of alternatives in the County and specify areas where new programs might be developed. (A companion report has also been prepared, addressing specifically mental health and health issues; Phase II: Health Care and Criminal Justice.) In "flagging" issues or topics for additional subsequent analysis, the key criteria will be the potential extent of consequences for capacity requirements, public safety issues and the significance of the "justice" or due process issues entailed by the topic.

* See National Advisory Commission on Criminal Justice Standards and Goals, Corrections, 1973, Chapter 7, and Contra Costa County Resolution Number 79/909, September 11, 1979, P. 2. It should be noted that current public sentiment, expressed in numerous legislative proposals, favors more restrictive alternatives, i.e., mandatory sentences for certain crimes.

** Bay Area Social Planning Council, Alternatives to Incarceration and Proposed Improvements in the Jail System in Contra Costa County, October 1972.

***Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976.

II. PRESENTENCE ALTERNATIVES TO INCARCERATION

A. LAW ENFORCEMENT PRACTICES: ARRESTS, BOOKINGS, AND RELEASES

1. Arrests

Table 3: Adult Arrests in 1979 in Contra Costa County summarizes arrest activities in the County for the most recent period for which relatively complete information is available. As shown in Table 3, there were over 21,000 formal arrests in 1979; about one-fifth of the arrests (over 4,300) were on felony charges, while 80 percent were on misdemeanor charges. This total does not include a substantial number of temporary detentions of public inebriates (under PC 647f) or mentally disordered persons taken to County Hospital for mental health evaluation (under W&IC 5150). Also noteworthy regarding arrests in the County is the fact that nearly 30 percent of arrests involve drunk driving charges.*

2. Booking and Release Policies

To develop information about what law enforcement agencies do with persons who are arrested or detained, interviews were conducted with all 18 chief law enforcement officers in the County. The results of this set of interviews are reported in full in Phase II: Physical Facilities; in that report, police policies regarding holding prisoners at the County Detention Facility or in a local jail are discussed. The chiefs were asked for data about arrests and releases under current policies, and their opinions in regard to several issues dealing with the release of persons in custody.

Table 4: Adult Arrests and Releases by Law Enforcement Agencies in Contra Costa County, 1979 summarizes the data provided by the chiefs (or collected in followup review of records in Pittsburgh, Richmond and Concord). While some agencies take all prisoners to the County Detention Facility for booking and release, other agencies hold arrestees locally until arraignment.

According to interviews with chiefs, policies regarding the detention and handling of public inebriates and mentally disturbed persons are fairly uniform throughout the County. In the majority of agencies, persons who are intoxicated and regarding whom there are no aggravating circumstances, are released before a formal arrest

*The figure of 21,000 arrests understates the actual number of bookings in the County. As seen in Table 4, which is based on data collected for this study and not that collected by the Bureau of Criminal Statistics (BCS), there were at least 25,000 bookings in the County. The BCS data underreport a number of categories, particularly 647f detentions and warrant arrests (not on new charges). Table 4 does not include data from the Sheriff's Department or Hercules. The total number of bookings in the County in 1979 was probably close to 30,000.

is made; they are released to friends or relatives, or taken home, or transported to a detox center. There are currently three detox centers in the County: a six-bed facility in Martinez, operated by Bi-Bett; a 14-bed facility in Pittsburg operated by East County Detox; and a 20-bed detox in Richmond, operated by the North Richmond Neighborhood Center. Bi-Bett is scheduled to open a 20-bed detox center in Concord in November, 1981; the present Martinez facility will continue to operate, backing up the County Hospital by providing a 24-hour drop-in center. Bi-Bett will also operate a "Boozer Cruiser" in Central County. The mobile unit will cover approximately 200 miles per day and make regular pick-ups at locations designated by local police administrators and Bi-Bett staff.

A few agencies do not use detox centers, instead holding public inebriates until sober and then releasing them. Procedures vary: some agencies do not book these drunks; others book them under PC 647f charges, and then release them under PC 849b (indicating that charges are dropped). West County police agencies use the latter procedure because they report problems in getting drunks admitted to the Richmond detox facility. West County chiefs were unanimous in reporting that the facility was frequently full and often would not accept particular referrals brought in by the police. (There are no current plans to expand the West County detox.)

Unlike public inebriates, drunk drivers are charged with a prosecutable offense. Table 3 shows that the number of arrestees in this category is the highest in the County: about 30 percent of arrests are for drunk driving. Likewise, review of booking data from the Sheriff's Department shows that 4380 persons were booked into County facilities in 1980 for drunk driving. In most instances now, drunk drivers are booked into jails--whether County or city--and released after they have sobered up. This poses a substantial administrative burden. Law enforcement administrators were thus asked if they would support a change in legislation allowing (but not requiring) officers to take drunk drivers to detox centers rather than to jail. The majority of the chiefs would support such legislation if drunk drivers were booked and tested and if a secure detox center was available.

Mentally disturbed persons identified in the field are taken, via ambulance, to the County Hospital for a mental health evaluation. Section 5150 W&IC authorizes law enforcement personnel to take persons who appear to present a "danger to self or others" to a mental health facility for evaluation regarding the need for treatment. One problem identified by many chiefs was that the "5150's" are frequently released by the County Hospital almost immediately, only to resume the behavior that led to the original commitment. A discussion between the chiefs and mental health officials familiar with the "5150" diagnostic procedures at County Hospital would provide, in all likelihood, a better understanding of the evaluation process and the reasons for release of certain persons.

TABLE 3

ADULT ARRESTS IN 1979 IN CONTRA COSTA COUNTY*

	Total County		Agencies Reporting High Arrest Rates			
	NO.	%	Sheriff	CHP	Richmond	Concord
Total Felonies	4,343	20.6	525	134	1580	501
.Homicide	35	0.2	5	0	15	0
.Forcible Rape	60	0.3	6	0	32	7
.Robbery	181	0.9	29	0	58	13
.Assault	754	3.6	131	4	284	68
.Burglary	764	3.6	100	1	222	116
.Theft	627	3.0	65	6	235	44
.Auto Theft	207	1.0	6	30	78	24
.Forgery/Credit Cards	231	1.1	8	0	83	37
.Sex Law Violations	56	0.3	6	0	16	14
.Drug Law Violations	713	3.4	85	33	289	89
.All Other Felonies	715	3.4	84	60	268	89
Total Misdemeanors	16,712	79.4	1190	2751	3991	3234
.Assault/Battery	1,021	4.8	202	26	265	147
.Theft	1,563	7.4	89	0	169	224
.Drug Law Violations	652	3.1	48	18	246	145
.Drunk	1,827	8.7	87	38	132	782
.Disorderly Conduct (Disturb. Peace)	388	1.8	43	0	71	83
.Vandalism	196	0.9	43	0	60	0
.Drunk Driving	6,136	29.1	7	2600	1372	1107
.Other Traffic	2,984	14.2	314	56	1287	397
.All Other	1,945	9.2	357	13	389	349
TOTAL	21,055	100	1715	2885	5571	3735

*Source: B.C.S. Criminal Justice Profile, Contra Costa County, 1979.

This data should be treated with caution. There are several problems with data reported by BCS. For example, Concord bookings are underreported. Also, 647f detentions are underreported.

TABLE 4

ADULT BOOKINGS AND RELEASES BY LAW ENFORCEMENT AGENCIES IN CONTRA COSTA COUNTY, 1979¹

	BOOKINGS			OF ARRESTS:				LOCAL RELEASES - REASONS							
	Fel	Misd	Tot	Released to Co. Jail Prior to Arraignment				Bail	Field Cite ⁴	Statn Cite	849b	Out- side Agency	O.R.	Court	Misc. Other ³
				Fel	Misd	Tot	%Arres								
<u>Bay Judicial District</u>															
Pinole	65	425	490	59	101	160	32.7	128		143	49	13		3	
El Cerrito	189	515	704					5							
Kensington	5	11	16												338
San Pablo	192	1225	1417	(203)		203	14.3	242	125	509					
Richmond	1724	6123	7847	(0)		0	0	3104	295	1560	1248	156	177	1521	81
Subtotal	2175	8299	10474												
<u>Walnut Creek Judicial Dist.</u>															
Walnut Creek	224	550	774						240						
<u>Mt. Diablo Judicial Dist.</u>															
Clayton	0	32	32												
Pleasant Hill	254	1660	1914	254											
Martinez	143	540	683												
Concord	841	4795	5636	(656)		656	11.6	1059	427	1622	982	141	7	483	154
Subtotal	1238	7027	8265												
<u>Delta Judicial District</u>															
Antioch	251	1207	1458	(0)		0	0	265	42	548	320	76		202	
Brentwood	28	221	249	28	178	206	82.7			28	15				
Pittsburg	309	855	1164	(181)		181	15.5	259	62	238	102			181	120
Subtotal	588	2283	2871												
<u>Countywide</u>															
C.H.P. (Martinez office)	218	2513	2731	218	2513	2731	100				86 ²				
B.A.R.T.	8	105	113	8	45	53	46.9		30	13					17
E.B.R.P.D.	34	255	289	34	25	59	20.4		230						
Subtotal	260	2873	3133												
TOTAL	4485	21032	25517												

See following page for Notes 1, 2, 3 and 4

NOTES TO TABLE 4

¹Source: Survey of agencies, with followup analysis of records in Richmond, Pittsburg and Concord. These data are limited and the figures provided require some cautions. Local agencies have different recordkeeping systems and may mean different things in the various headings. For example, "Released to County Jail" may include any release to an outside agency for some respondents.

The data is missing or limited in several respects. Many agencies did not keep track of some data, especially regarding releases. There are disagreements between data in this table and BCS data (Table 3) because of reporting differences. Finally, this table does not include Sheriff's Department and Hercules arrests and bookings.

²These are DUI arrests who are taken to hospitals for treatment of injuries.

³This column includes various releases that are either not identified by type by the responding agency (San Pablo), that include multiple reasons for release (Concord), or that are for 647f detentions.

⁴Field citations are not included in the booking totals for most agencies.

A new West County drop-in crisis center will be opening this year under the direction of the Richmond Community Mental Health Center. Secure inpatient beds for psychiatric commitments are planned for the future in this Center.

For those who are formally arrested by the local police agencies, citation release is the most common method of release; other frequent release procedures include bail and "release to Court", which means that the defendant remains in custody until arraignment, at which time the Municipal Court either releases him/her or remands him/her to the custody of the Sheriff. In addition, a substantial number of arrestees were released PC 849b (insufficient evidence). Many of these 849b releases were drunks who had been charged and booked under PC 647f.*

Citation release by police or sheriff's deputies occurs under the authorization of PC 853.6. Under PC 853.6, persons charged with misdemeanors can, with certain exceptions, be released after signing a "promise to appear" in court. Release can occur either at the point of arrest (called a "field citation") or after booking into the jail (called a "station citation"). As shown in Table 4, station citations are used with considerable frequency by some agencies. Most Contra Costa County agencies are inclined to de-emphasize field citations in favor of station release after the arrestee has been formally booked. The rationale for this approach is its efficiency, i.e., identification is assured in the event of a failure to appear in Court. Police administrators fear that the integrity of the police records system is jeopardized by field citations, because some judges hear cases of accused misdemeanants without requiring a prior booking and then decline to issue warrants when arrestees fail to report, after their court appearance, for booking. Currently, field citations are typically issued for possession of less than an ounce of marijuana, municipal code violations, some shoplifting (e.g., by women with small children), disturbing the peace, malicious mischief and vandalism.

For those agencies for which data was available, the relative proportion of releases through misdemeanor citation varied. In Richmond, about 30 percent of misdemeanor arrests are cite released, almost all at the jail; Antioch releases 49 percent and Pinole releases 34 percent of the misdemeanor arrestees through citation release, again, almost all at the jail. In Concord, approximately 43 percent of misdemeanor arrests result in citation release; in San Pablo 52 percent and Pittsburg 35 percent (approximately one-fourth of the citation releases from these three agencies were in the field). Walnut Creek releases 44 percent of their misdemeanor arrests in the field. No data from that agency was available on station citations.

*Although a complete breakdown of the charges resulting in PC 849b release at local jails is not available, BCS statistics (see Table 3) are available on more than 21,000 formal arrests. According to BCS data, approximately 13 percent of arrests do not result in arraignment. In most of these cases, charges are dropped by the police or the prosecutor; in some instances, charges were not filed because the arrestee was released to another agency. See BCS, Criminal Justice Profile, Contra Costa County, 1979, pp. 32-33.

To serve as a kind of comparative base, misdemeanor citation data was obtained from the Oakland Police Department. (This nearby jurisdiction was the first major Northern California police agency to implement a strong citation release policy. The Oakland criteria, procedures, and positive approach to citations were used as models by many other law enforcement agencies.) Statistics from 1979 show that in Oakland, approximately 33 percent of misdemeanor arrests (exclusive of PC 647f arrests) are cite released through field or jail citations. The citation release figures in Contra Costa are on a par with Oakland figures, particularly since Contra Costa arrest figures included PC 647f arrests. Although in contrast with Contra Costa County police practices, over half of Oakland's cite releases are issued in the field. The great majority of Contra Costa County releases are station citations.

3. Issues for Further Analysis or Discussion

In regard to police arrest, booking, and release procedures, the following stand out as possible areas for additional analysis and policy discussion.

- + The lack of available beds and/or admission policies at the Richmond detox facility pose problems for law enforcement throughout West County. At a minimum, detox and Health Services officials should meet with police chiefs from West County to discuss ways and means of improved access.

- + Concerns about County Hospital responsiveness to law enforcement concerns in "5150 commitments" should also be addressed. As with inebriates, there is general consensus that mentally ill persons should not be in jail. However, there is a risk, particularly with the opening of the new Detention Facility, that police will begin taking more mentally disturbed persons to the jail rather than to the Hospital if they do not understand the diagnostic process and what resources are or are not available to the population. (See Phase II: Health Care and Criminal Justice. A recommendation for joint planning between the health services and criminal justice systems is made in that report.)

- + Mechanisms for increased use of field citations should be discussed. Representatives of the police chiefs should meet with judges to discuss ways of ensuring that defendants are booked prior to court proceedings. It may be that improved notification and reminder systems could be developed by law enforcement, to remind persons who have received citations of court dates. In addition, the new Law and Justice data system should be used to develop information on failure to appear (FTA) rates from field and jail cited defendants. Feedback on FTA rates would serve a useful purpose for the entire justice system, and particularly law enforcement personnel.

+ Increased use of field citations is in the interest of all parties. Arrestees are less inconvenienced by field than by jail citations; even more so, police and sheriff's personnel are less burdened by field citations than jail citations if the field citations are controlled to minimize failures to appear (and consequent warrants and rearrests) and if there are assurances that defendants will be booked. Particularly if local jails were ever closed at some point in the future, increased reliance on field citations will be important in alleviating transportation expenses to local agencies and booking and housing expenses to the Sheriff's Department.

A brief review was made of each agency's field citation release policy.* The policies generally fall into two groups:

(1) "permissive" policy - Sheriff's Department, Richmond, Concord, Martinez, El Cerrito, and Pleasant Hill have policies that leave the decision on whether or not to issue a citation in the field to the arresting officer. If the officer brings a misdemeanor arrestee to the station for booking, the booking officer is then required to state why a misdemeanor citation was not issued (PC 853.6).

(2) "affirmative" policy - San Pablo, Pittsburgh and the East Bay Regional Park District have policies that include clearly stated specific criteria for field citation, and place an affirmative requirement on the arresting officer to state the reason why a citation was not issued in the field.

Affirmative field citation release practices should be encouraged. Model policies can be obtained from San Pablo, Pittsburgh and the East Bay Regional Park District.

+ Law enforcement support for taking drunk drivers to detox centers rather than to jail was premised on availability of and access to secure detox centers. In addition, law enforcement personnel want to be assured that booking and identification will occur. In all, this would entail a fairly substantial increase in detox center resources. It would probably require additional detox beds to accommodate the additional referrals. (The Commanding Officer at the Martinez office of the California Highway Patrol estimated that of the 2500 drunk drivers CHP officers booked at the County Jail in 1980, 1500 could be taken to a detox center. Only those who were uncooperative or needed medical attention would have to be taken elsewhere.)

*Antioch, Pinole, Brentwood, Walnut Creek, and Clayton have no written field citation policy.

In addition, it would require that detox centers have some facilities for booking and/or identifying (fingerprinting) drunk drivers who are admitted, as well as some secure beds. (Reference: Vehicle Code Section 40302, 40307.)

The discussions regarding this issue should include law enforcement (including HP personnel), detox officials, and County Health Services alcoholism program officials. These discussions should identify additional resource needs. A subject for further consideration would then be whether the savings in corrections administrative costs would be great enough to offset the new resources required at detox centers. (The possibility of eventually modifying the Concord detox center to house drunk drivers was discussed with County Public Works staff prior to finalizing the building plans.)

B. COUNTY DETENTION FACILITIES: LENGTH OF STAY AND RELEASE DATA

1. Charge Categories and Release Options

Data on County unsentenced prisoner populations are contained in Table 5: Proportions of Unsentenced Prisoners Released Through Several Release Options and, in more detail, in Table 6: For Unsentenced Prisoners Released, Proportions Within Each Release Option of Various Charge Categories. These tables are based on a one week sample of prisoners booked into the County detention system during March 1980. They display the proportions of prisoners in the system with various charges and show the ways in which release is achieved. It is reasonable to anticipate that release practices will change in the near future, in part because it is the perception of some that the new Detention Facility will be less crowded, and in part because there is considerable legislative and case law activity with regard to various release procedures such as bail and own recognizance. The release data thus provide a kind of baseline, against which to compare release practices at later times, after the opening of the new facility and the implementation of various bail reform measures.

As shown in Table 5, 26.7 percent of unsentenced prisoners in the County jail system are released by Sheriff's personnel via station citations. An additional 21.4 percent are released on their own recognizance by the Court. Bail release (cash and bond) totalled about 25 percent of the releases. Among unsentenced misdemeanants, citation release is the most frequent release mechanism (38.6%).*

*This percentage has dropped significantly since 1976 when 60% of unsentenced misdemeanants were released by citation release. Some decrease may be accounted for by the fact that local agencies are issuing more field citations now than they were in 1976; however, most of these persons were cited at the local station rather than being transported to Martinez to be cited. A special study is being conducted on misdemeanor arrestees not cited to determine if increased citation release is warranted. (Source: FSC, Contra Costa County Detention Facility Service Program, December 1976, p. II-2.)

TABLE 5

PROPORTIONS OF UNSENTENCED PRISONERS RELEASED
BY EACH OF SEVERAL RELEASE OPTIONS

(Sample: persons booked during March 25-31, 1980)

Type of Release	Total Misdemeanors		Traffic/Veh.Code Misdemeanors		Felonies		Total All Charges*	
Citation Release	54	(38.6%)	35	(37.6%)	2	(3.2%)	56	(26.7%)
Bail Bond	6	(4.3%)	5	(5.4%)	27	(43.5%)	34	(16.2%)
Cash Bail	20	(14.3%)	14	(15.1%)	-	-	20	(9.5%)
Own Recognizance	27	(19.3%)	18	(19.4%)	15	(24.2%)	45	(21.4%)
Time Served	16	(11.4%)	14	(15.1%)	4	(6.5%)	21	(10.0%)
849b/Charges Dropped	6	(4.3%)	-	-	4	(6.5%)	10	(4.8%)
Released to Other Agency: Non-State	5	(3.6%)	3	(3.2%)	1	(1.6%)	8	(3.8%)
Released to State Agency	1	(0.7%)	-	-	6	(9.7%)	7	(3.3%)
Miscellaneous Releases and Court Orders	5	(3.6%)	4	(4.3%)	3	(4.8%)	9	(4.3%)
TOTALS	140	(100.1%)	93	(100.1%)	62	(100.0%)	210	(99.9%)

*Also includes persons booked on outside agency holds, e.g., for parole revocation hearings.

TABLE 6: FOR UNSENTENCED PRISONERS RELEASED, PROPORTIONS WITHIN
EACH RELEASE OPTION OF VARIOUS CHARGE CATEGORIES
(Sample: persons booked during March 25-31, 1980)

	Citation Release	Bail Bond	Cash Bail	Own Recog.	Time Served	849/Chg. Dropped	Released To Outside Agency		Misc./ Court Orders	Totals
							Non-State	State		
<u>I. Misdemeanors</u>	%	%	%	%	%	%	%	%	%	%
Petty Theft/Prop. Crimes	6 (10.7)*	1 (2.9)	1 (5)	4 (8.9)	1 (4.8)	-	1 (12.5)	1 (14.3)	1 (11.1)	16 (7.6)
Assaults, Crimes v. Persons	1 (1.8)	-	3 (15)	1 (2.2)	-	-	-	-	-	5 (2.4)
Substance Abuse Violations	6 (10.7)	-	1 (5)	-	-	4 (40)	-	-	-	11 (5.2)
Traffic Viol./ Veh. Code	35 (62.5)	5 (14.7)	14 (70)	18 (40.0)	14 (66.7)	-	3 (37.5)	-	4 (44.4)	93 (44.3)
Miscellaneous	6 (10.7)	-	1 (5)	4 (8.9)	1 (4.8)	2 (20)	1 (12.5)	-	-	15 (7.1)
Total Misd.	54 (96.4)	6 (17.6)	20 (100)	27 (60.0)	16 (76.2)	6 (60)	5 (62.5)	1 (14.3)	5 (55.6)	140 (66.7)
<u>II. Felonies</u>										
Theft & Prop. Crimes	-	13 (38.2)	-	9 (20.0)	2 (9.5)	3 (30)	1 (12.5)	3 (42.9)	1 (11.1)	32 (15.2)
Assaults & Robberies	2 (3.6)	7 (20.6)	-	3 (6.7)	1 (4.8)	1 (10)	-	1 (14.3)	2 (22.2)	17 (8.1)
Substance Abuse Violations	-	3 (8.8)	-	3 (6.7)	1 (4.8)	-	-	2 (28.6)	-	9 (4.3)
Other	-	4 (11.8)	-	-	-	-	-	-	-	4 (1.9)
Total Felony	2 (3.6)	27 (79.4)	-	15 (33.3)	4 (19)	4 (40)	1 (12.5)	6 (85.7)	3 (33.3)	62 (29.5)
<u>III. Misc. Holds**</u>	-	1 (2.9)	-	3 (6.7)	1 (4.8)	-	2 (25.0)	-	1 (11.1)	8 (3.8)
TOTALS	56	34	20	45	21	10	8	7	9	210

*All percentages are percentages of the column totals.

**"Misc. Holds" refers to cases in which the basis for detention is for some administrative agency action, such as Immigration Hearing or Parole Revocation Hearing. If the prisoner was arrested on an outside warrant for specific criminal charges, the prisoner was classified according to the criminal charges.

Among felony defendants, bail bonds are the most frequent release vehicle (43.5%). Prisoners are released because charges are dropped in about five percent of the cases. Ten percent of unsentenced prisoners are released for time served; this typically occurs when the prisoner pleads guilty at arraignment and is released at sentencing with "credit for time served." (As shown in Table 6, traffic offenders account for most of these cases.)

Table 6 provides more detail on both the distribution of charges for which prisoners had been arrested and for which various release options are used. In the total sample population of unsentenced prisoners, two-thirds were charged with misdemeanors, almost 30 percent were charged with felonies, and 3.8 percent were jailed to be held for outside agencies such as Immigration authorities. The largest single categories of arrest charges were for traffic offenses (which accounted for 44% of the cases) and felony theft and burglary (15% of the cases). Within each release option, traffic offenders constituted a major "user" group; thus, nearly two-thirds of the citation releases were for traffic offenders.

2. Average Length of Stay Findings

The March 1980 sample is also the basis for analysis of the average lengths of time served prior to release via various options and for various offenses.* These findings are summarized in Table 7: Average Length of Stay Prior to Release for Each Release Option and Table 8: Average Length of Stay Prior to Release for Various Charge Categories.

The time to release varied substantially among the release mechanisms. As displayed in Table 7, citation release occurred on the average within eight hours;** prisoners held until released to State agencies (such as the California Youth Authority or the California Department of Corrections) remained in jail for over 48 days, on the average. The average length of stay prior to felony own recognizance (OR) release was 4.9 days.***

Table 3 displays the average length of stay prior to release for unsentenced and sentenced prisoners with various charges. Among unsentenced prisoners, misdemeanants are released within two days, while felony defendants remain in custody for an average of almost 17 days. These averages are, however, somewhat deceptive, since they are skewed in several instances by extremely long periods of

*Data in Tables 7, 8 and 9 include sentenced as well as unsentenced prisoners.

**This is slightly above the 4-6 hours it took to release persons on misdemeanor citations in February and March 1976. (Source: Ibid., p. II-2.)

***One case in the felony OR sample of 18 persons was removed. The person in this case had a hold and remained in custody for over 2,000 hours. Because the sample was small, the average was skewed. If the person is left in the sample, the average length of stay prior to felony OR release is over ten days. The 4.9 days to felony OR release is what was recommended in the 1976 planning study for the new detention facility. (Source: Ibid., p. II-20.)

TABLE 7

AVERAGE LENGTH OF STAY PRIOR TO RELEASE
FOR EACH RELEASE OPTION

(Sample: sentenced, unsentenced and miscellaneous
holds on persons booked during March 25-31, 1980)

	ALS	Number Prisoners
Citation Release	8 hours	56
Bail Bond: Felony and Holds Misdemeanor	3.25 days 3.50 days	28 6
Cash Bail: Felony and Holds Misdemeanor	13 hours	20
Own Recognizance: Felony and Holds Misdemeanor	4.9 days 3.0 days	17 27
Credit for Time Served (presentence)	14.3 days	21
Time Served (while in sentenced status)	19.7 days	29
Charge Dropped: Unsentenced Outside Holds	29 hours 16.9 days	10 2
Released to Outside Agency (Non-State)	6.0 days	8
Released to State Agency (e.g., CDC, CYA)	48.5 days	16
Miscellaneous Releases	25.9 days	9

TABLE 8

AVERAGE LENGTH OF STAY PRIOR TO RELEASE FOR VARIOUS CHARGE CATEGORIES

(Sample: person booked during March 25-31, 1980)

	Unsentenced		Sentenced	
	ALS	Persons	ALS	Persons
I. <u>Misdemeanors:</u>				
Petty Theft/Property Crimes	6.3 days	(16)	7.8 days	(2)
Assaults/Crimes v. Persons	14 hours	(5)	51.6 days	(2)
Substance Abuse Violations	7 hours	(11)	-	
Traffic Violations	37 hours	(93)	8.0 days	(15)
Miscellaneous	25 hours	(15)	1.5 days	(1)
Total Misdemeanors	46 hours	(140)	12.1 days	(20)
II. <u>Felonies:</u>				
Theft and Property Crimes	16.2 days	(32)	28.9 days	(9)
Assaults and Robberies	18.25 days	(17)	50.4 days	(4)
Substance Abuse Violations	24.3 days	(9)	86.9 days	(1)
Other	19 hours	(4)	15.8 days	(4)
Total Felonies	16.2 days	(62)	34.0 days	(18)
III. <u>Miscellaneous Holds</u>	13.1 days	(8)	16.9 days	(2)
TOTALS	6.3 days	(210)	22.1 days	(40)

TABLE 9

AVERAGE LENGTH OF STAY PRIOR TO RELEASE FOR VARIOUS CHARGE CATEGORIES
WITH RELEASES TO OUTSIDE AGENCIES EXCLUDED*

(Sample: persons booked during March 25-31, 1980)

	Unsentenced		Sentenced	
	ALS	Persons	ALS	Persons
I. <u>Misdemeanors</u>				
Petty Theft/Property Crimes	<i>3.2 days</i>	(14)	7.8 days	(2)
Assaults/Crimes v. Persons	14 hours	(5)	51.6 days	(2)
Substance Abuse/Violations	7 hours	(11)	-	
Traffic Violations	<i>37 hours</i>	(90)	8.0 days	(15)
Miscellaneous	<i>24 hours</i>	(14)	1.5 days	(1)
Total Misdemeanors	<i>37 hours</i>	(134)	12.1 days	(20)
II. <u>Felonies</u>				
Theft and Property Crimes	<i>9.1 days</i>	(28)	<i>10.3 days</i>	(5)
Assaults and Robberies	<i>14.1 days</i>	(16)	<i>69.4 days</i>	(2)
Substance Abuse/Violations	<i>21.2 days</i>	(7)	86.9 days	(1)
Other	19 hours	(4)	53.7 days	(1)
Total Felonies	<i>11.5 days</i>	(55)	<i>36.8 days</i>	(9)
III. <u>Miscellaneous Holds</u>	<i>11.1 days</i>	(6)	16.9 days	(2)
TOTALS	<i>4.6 days</i>	(195)	<i>18.7 days</i>	(31)

*Entries that vary from Table 8 are italicized.

incarceration for individuals awaiting transfer to an outside agency. Table 9: Average Length of Stay Prior to Release for Various Charge Categories with Releases to Outside Agencies Excluded shows average length of stay (ALS) data adjusted to include only prisoners without outside holds and transfers to other agencies pending. For unsentenced prisoners, the length of stay for misdemeanants is reduced by nine hours to an average of 37 hours and for felony defendants, the length of stay is reduced by almost 5½ days, to 11.5 days. Overall, there is a reduction of 1.7 days in the unsentenced prisoner ALS.

3. Outside Holds and Warrants

Because outside holds and warrants typically delay release of unsentenced prisoners, some additional analysis was done of the March 1980 week's sample, to identify cases involving holds and warrants. Of a total of 244 bookings for which information was fully available (203 bookings were of unsentenced prisoners) 30 (or 12.3% of total bookings) involved "outside holds" and 83 (34% of total bookings) involved warrants.

Outside holds are placed on a prisoner either when the prisoner is arrested for an outside agency (for example, pending Immigration hearings or parole revocation proceedings) or when another agency has a warrant out for the person and indicates to the Sheriff's Department that they will pick up the prisoner. Typically, such outside holds entail fairly substantial periods of detention; among the 30 holds in the 1980 sample, the average time from booking to release was over 13.5 days.* In 19 of the 30 cases, the prisoner was eventually turned over to an outside agency; in over a third of the cases, however, the hold was dropped or a local release was arranged.

Warrants are sometimes the basis for an outside hold. The warrants were analyzed separately from holds, although there is some overlap between the two categories. An arrest on new charges can occur, with an outstanding warrant as an additional ground for arrest, or the warrant can itself be the sole basis for an arrest. For purposes of the present analysis, these situations were not distinguished. Of the 83 warrant-related arrests, 16 were booked on felony charges, the remainder on misdemeanors. There were 55 cases (or 23% of the total bookings) in which the charge at booking was a vehicle code violation.

Particular attention was given to the traffic arrests. In these cases particularly, the primary deterrent to immediate release after

* Note that this figure is similar to data in Table 8 and Table 9 for a category labeled "outside hold." That category is not, however, identical with the analysis here. In Table 8 and Table 9, when a case involved an outside hold associated with a particular criminal charge, the case was grouped with the criminal charge for purposes of ALS computations.

booking is frequently the existence of a warrant. Because arrests on traffic warrants typically comprise a large category of bookings, some counties, faced with severe overcrowding problems, have reexamined release policies regarding persons with traffic warrants. Typically, release cannot come until warrants are cleared. In traffic cases, that usually means either that bail is posted or, if the prisoner waits until arraignment, the case is often cleared by paying a fine or by receiving "credit for time served." Some officials now suggest legislative changes to establish citation release policies similar to PC 853.6 for persons arrested on warrants. In San Francisco, an experiment is underway, even without legislative changes, to reduce the number of prisoners held solely because a local traffic warrant is outstanding; officials there are seeking to cite release a greater proportion of defendants with such warrants, thereby reducing jail populations and jail administrative burdens.

An effort was made for this report to identify the number of bookings in which the offense charged is a traffic violation and for which there is an outstanding local traffic warrant. It was assumed that the local warrant would delay release for at least some of these prisoners, who could not or chose not to make bail.

Of the 55 cases involving arrests on traffic charges, 17 had warrants from outside the County ("foreign" warrants); 38 had only warrants from within the County ("local" warrants). Of the 38 local warrants, five contained criminal charges. The remaining 33 cases are "pure": traffic arrests with local traffic warrants. This is about 13.5 percent of all bookings in the sample.

Additional analysis is needed to evaluate the extent to which release is delayed by such warrants and the impact of that delay on jail population requirements and jail administrative tasks. In interviews with judges and police chiefs, there was a general opposition to cite release of people with outstanding warrants. Persons with outstanding warrants were regarded as "scofflaws" who had already failed to appear, so that a citation's "promise to appear" would mean little. There was concern that paperwork would increase, since persons might be arrested multiple times for the same offense. The police chiefs who would support legislation would do so only for warrants under a value of about \$50.00 (e.g., parking and minor traffic warrants).

Further studies of the impact of holds and warrants on Contra Costa County jail populations do seem justified. If there is a substantial impact, solutions should be explored. These could include administrative techniques, whether for expediting the transfer of prisoners to outside agencies, or for reminding cite releasees of scheduled court dates, as well as legislative changes.

One initial step in this analysis will be to collect data on all misdemeanants who are not cite released, to learn the reason that citation release was denied.

4. Drunk Driver Bookings

As noted in the discussion of police arrest practices, drunk drivers constitute the single largest category in the County of arrests and of bookings. One possibility for alleviating congestion in the jails is to take drunk drivers to detox centers. The earlier discussion also noted

some of the tradeoffs to be analyzed with regard to this proposal: reduced work for jail personnel, but increased work for detox centers. To provide some initial information in this analysis, a brief study was done of 23102a (drunk driving) bookings at the County Detention Facility. (Again, the study used the March 1980 week sample.)

During the sample week there were 58 persons booked on 23102a charges; this accounted for 24 percent of the total bookings. Of the 23102a bookings, 13 involved individuals being committed to the jail to serve time. An additional five were unsentenced arrestees, but they had outstanding warrants and would probably be jailed because of the warrants. There were, in net, 40 persons (or about six per day) who would theoretically qualify for the detox center rather than jail; this amounts to 20 percent of all bookings of unsentenced prisoners.

Most of the persons booked for 23102a are released within hours, when they sober up, so the impact on jail populations would probably not be dramatic if these cases were taken to detox centers instead. The impact on jail administrative tasks may, however, be more substantial. The typical 23102a case is booked around midnight and released between 6-8 a.m.

The average length of stay for drunk drivers who are cited and released is seven hours. Several recommendations have been made to the Sheriff's Department regarding procedural changes in processing drunk drivers, e.g., having a volunteer or a representative of the Department call a responsible party to pick up the arrestee at the jail immediately after booking.

5. Summary of Findings and Issues for Further Analysis

- + In the old jail, over one-fourth of unsentenced prisoners--and nearly 40 percent of unsentenced misdemeanants--were released on citation release. While this is a substantial percentage, further analysis is needed to ascertain the reasons that other misdemeanants were not released on citation.

- + Among felony defendants, the largest group (43.5%) were released on bail bond. An additional 25 percent are released on their own recognizance. The felony OR release mechanisms will be given further attention to ascertain whether the average length of stay of 4.9 days can be reduced, at least to the three days required on the average for release of felons on bail.

It should be noted that the CIDS project was implemented in December 1979 and data on OR releases was collected in March 1980. Average length of stay data will be checked for March 1981.

- + Overall length of stay averages for unsentenced prisoners are 46 hours for misdemeanants and 16.9 days for felons. A major issue for further analysis is the impact of outside holds and warrants. There are substantial delays in release associated with outside holds and, to a lesser degree, with warrants; when prisoners who are released to another agency are excluded from the computation, the average length of stay for unsentenced prisoners is reduced by 20 percent for misdemeanants and by over 30 percent for felons. (Note that this includes releases to CDC for sentenced prisoners. Once a prisoner is sentenced to State prison, it takes approximately two weeks to transfer

the prisoner to the California Department of Corrections. The prisoner is held in County facilities until the Court paperwork is complete. The Sheriff is currently talking with State personnel to determine the minimum amount of paperwork necessary to complete the transfer within 48 hours.)

+ A final planning task will be to compare release rates from the new Detention Facility with those described here in order to see whether the opening of the new Detention Facility has had any significant impact on detention and release practices.

C. PROGRAM DESCRIPTIONS AND ISSUES

There are a great number of alternative programs and release mechanisms, and there are several variations on each major type of alternative. The purpose in this section is not to list and discuss all possible variations. Still less is the goal here to recommend a long list of alternatives. At some point, the complexity and bureaucracy of proliferating alternatives defeats the original purpose of facilitating pretrial release. The purposes of the following discussion are to describe Contra Costa County's major presentence alternatives to incarceration, to point out emerging legal and administrative issues, to identify any major gaps in the provision of alternatives, and to recommend those alternatives which would provide the County with the greatest return.

The discussion is grouped under four main headings: topics related to bail and own recognizance release procedures; diversion programs; case and charge screening and administration at the early stages of prosecution; and issues in the organization and scheduling of court processes.

1. Bail and OR

At least since the beginning of the Manhattan Bail Project in New York in 1964, one of the most active and changing areas of criminal justice is bail reform and the development of alternatives to bail as the chief mechanism for pretrial release. This process is continuing. In California in the last two years, the Legislature passed a bail reform act and the State Supreme Court wrote a decision which potentially expands the use of OR release. In this section, current provisions for making bail and OR decisions are discussed, and the major outlines of changing legal requirements are described.

(a) CIDS

Prisoners booked into the jail have a variety of release possibilities. Citation release for misdemeanor arrestees (PC 853.6) is the least demanding: a written promise to appear suffices for release. If citation release is not granted, then the prisoner must either make bail or, when he appears in Court, ask the Court for release on his own recognizance. With some exceptions (e.g., prior convictions raise the amount of bail), the bail schedules set by the Courts determine the bail required for persons arrested on specific charges. If the defendant cannot--or does not wish to--post the amount, he or she can ask the Court to reduce bail or to grant OR release. If the arresting officer wishes to have the bail set higher, the officer submits an affidavit to the judge seeking higher bail. The central pretrial function of the Coordinated

Intake, Detention and Supervision (CIDS) Unit of the Probation Department is to advise the court regarding the choice of whether to raise or lower bail or to grant OR.*

The biggest portion of CIDS' pretrial caseload is court-ordered bail studies. These are reports to the Court regarding whether bail should be raised, lowered, or waived in lieu of OR release. No specific bail amount is recommended. Typically, a bail report entails an investigation of the defendant's personal background. The CIDS Supervisor reported that Courts typically ask Unit staff to file a report within 4 or 5 working days, although some judges interviewed said that "turnaround time" for the reports was longer than that. Some judges, in fact, regarded the delays in felony bail reports as a notable obstacle to expeditious pretrial processing of cases.

The CIDS Supervisor believes that the reports will be concluded more quickly once the CIDS Unit settles into the new Detention Facility and the computerized information system is functional. Both resources will speed the investigation process. An additional consideration is staffing coverage. CIDS staff do not currently cover weekends, typically the peak time for bookings. However, there are currently no weekend judges, either sitting or on call, to order or respond to bail studies. The lack of CIDS staffing is in some senses moot in the absence of corollary weekend personnel from other agencies.

During 1980, CIDS processed 988 bail report cases, most of them felonies and most of them for the Municipal Courts at early stages of criminal processes. (Most arrestees on misdemeanor charges have either been released prior to arraignment or gain release at arraignment; OR reports are seldom requested or necessary for misdemeanants, given the rate of citation release.) This averages to 79 cases per month, or about 26 cases per month for each of the three pretrial investigators. In 20 percent of the cases initiated, the defendant made bail or was otherwise released before the CIDS report was completed. The recommendation most frequently made by CIDS staff was for no change in the set bail (57%). Reduced bail (23%) and OR release (11%) were recommended in lower proportions of cases. The Court followed the CIDS recommendation in 66 percent of the cases.

In an effort to develop more timely bail reports, the CIDS staff does undertake some "prearraignment" bail reports--i.e., reports initiated by the Unit prior to requests from the Court. Staffing limitations and limited access to prisoners at the old jail have

* The CIDS Unit also includes Jail Liaison functions--supervision of persons in custody for 40 days or more as a condition of probation--and some reentry and intake functions. The focus of the discussion here is on the "bail report" role of CIDS.

kept this component of CIDS activities fairly limited. Approximately 300 prearrestment cases were undertaken during the last seven months of 1980, again mostly in felony cases. In over 70 percent of these cases, however, the arrestee secured release before the CIDS report was completed. Roughly 40 percent of those released prior to a CIDS report were released pursuant to PC 849b, "insufficient evidence". An additional 30 percent or more were released on cash or bail bond.

Several issues are appropriate for further analysis in regard to CIDS activity. Revised staffing hours, and/or refined prearrestment case screening techniques might provide some increased and more timely use of CIDS reports. CIDS staff should discuss the turnaround time for felony bail reports with the judiciary. Judicial perception is that O.R. releases are taking longer than the five-day average obtained from the analysis of the one-week sample bookings. The CIDS Unit has used existing resources wisely, given current constraints of staff and location. It is appropriate, nevertheless, to monitor "turnaround times" to see if they are able to improve when the new facility is fully operational. A longer term staffing issue should also be considered. If the Unit expands its prearrestment investigation activities, then decisions regarding use or closure of other jails would have an impact on CIDS staffing requirements. In particular, if the Sheriff's Department operated the Richmond Jail, and CIDS were to cover the Richmond Jail, additional staffing or a revised staffing arrangement would need discussion.

CIDS is providing an important function in the criminal justice system by expediting releases for arrestees and providing information to the Courts. Although most of the CIDS functions have been carried on by the Probation Department for several years, in very recent years the project has been funded through AB 90. Depending on AB 90 priorities or Probation Department cutbacks, funding for CIDS may become more problematic.

Some Probation Department officials have suggested that CIDS also undertake various conditional release programs, particularly "supervised OR" (in which a program or person agrees to oversee the conduct of the arrestee. These releases are authorized in PC 1318, PC 1268a, and PC 1269). Release programs such as supervised OR have proven very costly in other jurisdictions (such as Alameda and Santa Clara Counties). Given fiscal constraints and a continuing need for timely and thorough bail reports, such special release programs should have lower priority in future planning than maintenance and improvement of the current CIDS pretrial release activities.

(b) Bail Reform -- AB2

In 1979, the Legislature passed measures providing in misdemeanor cases for a deposit of ten percent of bails set in the bail schedule at more than \$150 and for the imposition of conditions in connection with bail release (PC 1269d). The ten percent is to be deposited with the Courts. It is refundable (aside from a small fee) upon conclusion of the case.

The intended result of this legislation (which is a compromise version of more sweeping legislation originally proposed) is to make it easier for defendants to raise their own bail and thus to reduce reliance on bail bondsmen. The law became effective January 1, 1981.

It is of course too early to evaluate the impact of the legislation upon pretrial release practices and upon jail populations. At year end 1980, none of the Municipal Courts in Contra Costa County had taken any steps to institute new procedures in response to the legislation. Given the current high proportion of citation releases in Contra Costa County, it is unlikely that the new bail legislation will effect any marked reduction in misdemeanor jail populations. The use of the ten percent bail should be monitored when implemented, however. There may be a paradoxical effect of reduced reliance by officials on citation and misdemeanor OR releases, with the idea that bail is now more "affordable."

Bail reform advocates will presumably continue to seek extension of the current legislation to cover felonies. If successful, such a reform could have more immediate and significant consequences for jail administrators. (Presumably more people could get out of jail sooner because bail would be easier to raise if it were refundable. Proponents of extension of this legislation argue that studies have shown felons are only slightly more likely than misdemeanants to fail to appear, and that there is no significant difference in failures to appear based on method of release, e.g., bail v. own recognizance.)

In addition, a constitutional amendment to be placed before California voters regarding bail has been passed by the Senate and is currently before the House. The amendment would provide that if a person is before a judge for the purpose of granting or denying bail, in releasing a person on his or her own recognizance the judge shall take into consideration factors including (1) protection of the public, (2) the seriousness of the offense charged, (3) the previous criminal record of the defendant, and (4) the probability of his appearance at the trial or hearing (SCA 10 Presley). The effect of this constitutional amendment, if passed, would probably be to lengthen pretrial incarceration time in Contra Costa County.

(c) Van Atta v. Scott

The "Van Atta" decision was announced on July 3, 1980.* Because it has potentially far reaching and complex implications regarding bail and OR decisions by judges, the consequences of the decision are uncertain. (Moreover, federal courts may overrule the decision.) The decision appears to encourage use of OR release by placing a burden of proof on the prosecution (if the prosecution requests bail rather than OR release), to show that a defendant is a "poor risk" to appear in Court. The defense continues to bear the burden of proof for showing that the defendant is in fact a "good risk" with ties to the community.

*The Van Atta decision shifts part of the burden of proof in own recognizance decisions to the prosecutor who must demonstrate why OR should not be granted.

In interviews with prosecutors, judges, and others in Contra Costa County, it is evident that Van Atta has not had any noticeable effect to date. Defense attorneys have reportedly not pressed strongly for OR release using Van Atta, nor has the District Attorney been able to assign additional personnel to appear and present evidence at bail hearings.** In any event, judges interviewed tended to respond that Van Atta would have little practical bearing on their rulings regarding bail and OR release.

As with the bail reform bill, the ramifications of Van Atta bear continued monitoring. Aggressive advocacy for OR release would probably not have a substantial impact on the jail population; it remains true that in the majority of cases, bail can be secured more quickly than OR. Judges interviewed remained adamant that enough time for an adequate "bail study" must be allowed prior to felony OR releases. Nevertheless, Van Atta is an important case in the continuing debate about the grounds for pretrial release or pretrial detention.

(d) Summary and Issues for Further Analysis

Although the changes in legislation and case law bear watching, more significant impacts on jail populations are likely to occur from quicker bail reports by the CIDS Unit. The priority task, thus, is to analyze 1981 own recognizance release data. If improvements appear desirable, it will be appropriate to evaluate possible alternate work schedules to handle caseloads more quickly. In addition, CIDS case screening policies should be reviewed to see whether increased "prearrestment" bail reports would be an efficient use of resources.

2. Diversion

Diversion programs intervene at several points in the criminal justice system. Generally, diversion means that in exchange for suspension of some criminal justice process or sanction, the defendant in a case agrees voluntarily to undergo some course of treatment. "Pretrial diversion" entails a suspension of prosecution and trial, at the discretion of the District Attorney and/or the judge. Other forms of diversion involve a suspension of certain sanctions after a guilty verdict.

There are several pretrial diversion programs in Contra Costa County. Almost all clients in these programs are out of custody by the time diversion options arise, so diversion has little impact on pretrial incarceration rates. It is possible that effective diversion intervention at pretrial stages reduces the number of offenders incarcerated following conviction. However, this impact on incarceration is minimal. Diversion programs usually deal with minor offenses, such as traffic violations, misdemeanor drug charges, and occasionally misdemeanor theft and disturbing the peace charges. These are cases that would ordinarily result in relatively minor, cursory sanctions--fine and/or

*Update: Although this is generally still true, the District Attorney does have an attorney appear at certain bail hearings, e.g., in felony cases involving a career criminal, major offender or sexual assault assailant. (February 1982)

court probation. In rare instances, short jail sentences are given. The most severe consequence of these minor offenses is often the fact of conviction itself: insurance rates are raised because of vehicle code convictions, for example, or employment opportunities are lost following theft conviction.

Diversion programs are probably most valuable not as a direct alternative to incarceration, but rather in the sense that they afford the criminal justice system some greater degree of flexibility in response to offenders. Positive intervention can occur without a formal conviction. (It is precisely this, in fact, that some criticize about pretrial diversion, arguing that there is a danger of "widening the net" of official sanctions if diversion requirements are imposed without a full proof of guilt.)

(a) Bay Diversion Project

Of the several diversion programs in the County, only one handles a substantial number of offenders. The Bay Diversion Project, serving the Bay Municipal Court, has been in operation for approximately two years. This "pretrial prosecution diversion" program is authorized in PC 1001. In the project, all criminal complaints (except charges of drunk driving) are screened by the project staff. Over the first 22 months of operation, approximately one-third of the complaints screened were deemed eligible for diversion; of those screened eligible, roughly half enroll in diversion. Over the two years of operation, the project staff have supervised over 1000 persons, almost all of whom were charged with misdemeanors. (The most common charge facing diversion clients is petty theft; in addition, the project supervises a large number of persons arrested on traffic violations.)

The project is administered through the District Attorney's Office; it is staffed by one Deputy District Attorney and three Probation Deputies who handle the bulk of the screening and all case supervision. Clients of the diversion program are typically given a three-month period of supervision. Restitution or community service is often required of clients. Upon successful completion of the diversion program, charges are dismissed.

The Bay Diversion Project has received considerable support among criminal justice personnel in the West County area particularly. However, the project has been funded largely through special grants from LEAA and AB 90, and future funding is in jeopardy. (Its budget in 1979-80 was \$178,000.) Probation and District Attorney administrators are not optimistic about support for the program from general funds. An evaluation conducted after the project's first year found that the savings to the criminal justice system in reduced workloads (or trials, probation caseloads, jail time, etc.) were not sufficient to offset the operating costs of the program. (Using the number of court appearances as the key factor, the project evaluator calculated that criminal justice agency workload was reduced by 5%.) It is quite likely that if the Bay Diversion Project continues, it will be different in organization and scope.

(b) PC 1000 Drug Diversion

Under Section 1000 PC, certain arrestees also charged with misdemeanor drug violations can be diverted out of the trial process. Potential candidates must be free of prior convictions for drug offenses; within the past five years, the person cannot have been convicted of a felony or had probation revoked. If these, and certain other conditions hold, the prosecutor refers the defendant to the Probation Department for investigation. Probation staff then advises the Court, and the Court may "divert" the defendant by assigning probation supervision and suspending further adjudication. Upon successful completion of diversion, the charges are dismissed by the Court.

This program was used with great frequency some years ago when Penal Code sanctions against certain substance abuse violations (such as possession of marijuana) were more severe than is presently the case. With changes in the Penal Code, the use of PC 1000 declined significantly. The level of PC 1000 diversion cases carried in Probation Department caseloads has remained fairly constant over the past four years at between 120 and 150 cases.*

(c) Domestic Violence Diversion

Using procedures similar to the PC 1000 drug diversion, PC 1000.6 establishes a diversion program for persons charged with "an act of domestic violence", meaning "intentionally or recklessly causing or attempting to cause bodily injury to a family or household member or placing a family member in reasonable apprehension of imminent serious bodily injury". (Diversion does not apply in cases of violence against children.) Domestic violence diversion has been used only rarely. A probation official estimated that there were only 10-20 referrals total to the Department during 1980.

(d) AFL-CIO Diversion Project

The AFL-CIO sponsors a small diversion project in the Mt. Diablo Judicial District. The project, which operated previously and ran out of funds, was reactivated March 1, 1981.

The project serves a limited clientele--persons 18-21 years of age who are arrested for petty theft, malicious mischief or battery, with no previous record. The project is aimed at young adults who get into trouble due to unemployment and/or lack of skills. Apprenticeship programs or jobs are found for these diversion clients.

(e) Summary

In all, diversion caseloads are modest. The persons on diversion are almost never in custody by the time they are placed on diversion, and they would rarely have received a jail sentence had they chosen not to enroll in a diversion program. Diversion, thus, has little impact on jail capacity needs. In a broader context, however, diversion is pertinent to a corrections plan. Although diversion

*This is an "end of the year" count reported in the Probation Services Annual Report.

has little impact on workload, the availability of diversion affords increased flexibility to the criminal justice system. The arrestee is also presumably benefited by a diversion program, if only because a "conviction" is not entered on his or her criminal record. During the period of diversion, the person is, at least, on notice that further arrests may well result in the reinstatement of the original charges, so some deterrent effect may be achieved. In the Bay Diversion Project, some "positive" sanctions are also often applied through requirements for restitution or community service.

3. Case Screening

There are many ways in which cases are screened out of the criminal prosecution process. Some charges are simply dropped. In other cases, the charges are low priority or difficult to prove. In other cases, prosecutors or judges believe that alternative dispute mechanisms are preferable. Case screening has implications well beyond an impact on jail capacity which is the focus of this report. However, it is appropriate to note at least some of the major case screening options.

Diversion programs were described immediately above. Typically, the prosecutor has the initiative in consideration of these cases for diversion. In addition, prosecutors screen some cases prior to filing charges by using the D.A. "cite hearing" mechanism. In such hearings, which are sometimes used when the charges are rooted in minor controversies between citizens, the prosecutor attempts to encourage or negotiate a settlement of the issue without filing criminal charges. A similar mechanism is the "civil compromise", which is sometimes used in situations in which a resolution is possible without criminal charges. For example, a "civil compromise" process might be invoked to get an individual to pay a restaurant bill.

"Citizen Dispute Centers" and "Community Mediation Boards" are also alternatives to criminal prosecution. These programs are placed outside the criminal process altogether; police or citizens may refer individuals in potentially criminal disputes (or in some criminal cases) to a citizen group rather than to the District Attorney. The citizen group then attempts to mediate a "remedy" or resolution to the dispute. As with the District Attorney's mechanisms for avoiding criminal charges, the citizen boards typically handle minor offenses or problems.

These alternatives to prosecution do not have any significant and direct consequences for the corrections system. There may be some indirect effects. To the degree that potential problems are headed off, future and more severe charges are avoided. To the degree that court congestion is reduced, expedited adjudication of the cases that go "into the system" may occur.

In addition, these alternatives to prosecution suggest the potential for a unified or systematized case screening function by the prosecution. If the case screening were done early enough in the criminal justice proceedings, it could apply to incustody arrestees and, thus, have an effect on pretrial detention. Systematic and total case screening could theoretically involve: (a) checks to see that the charges listed by police were justified, avoiding subsequent charge

dismissal or reductions; (b) "weeding out" of classes of minor offenses, for citation hearing, diversion, etc.; (c) prioritizing the remaining cases for prosecution; and (d) providing District Attorney comments regarding OR release pursuant to Van Atta or other pretrial release issues.

The pretrial screening functions would be difficult to implement and quite probably expensive. It would require the specialization of at least one district attorney position. Decisions would have to be made regarding the scope of case screening, e.g., if the screening includes decisions on diversion and Van Atta, personal background information on defendants would have to be available (once the law and justice information system is totally operational this information should be more easily retrievable). The greater the screening coverage, i.e., if some case screening takes place onsite (at the County Detention Facility), the higher the cost. However, effective early screening would, in all likelihood, reduce the net need for jail beds. Case screening would help control the front end flow into the system; a few more people would be diverted and pretrial resources could be used more effectively. The prosecutor would need different levels of information for the various screening decisions; prioritization of cases for prosecution, for example, could require considerably more information than the other tasks. However, such a mechanism or early screening procedure may become a necessity in the future, in order for the District Attorney's Office (with declining resources) to gain control over what may be burgeoning caseloads.

If such a mechanism is developed, one priority should be to have the screening take place as soon after arrest and booking as possible. Early prosecution review of police charges would result in a greater number of immediate PC 849b releases and a higher proportion of citation releases (and lower bails) through reduction of unnecessarily severe charges listed in the arrest.* Early D.A. review of cases for possible "Van Atta" comments would not necessarily result in shorter pretrial lengths of stay; indeed, with earlier and more informed prosecution input regarding felony releases in particular, bails might be set higher than is current practice. The development of this mechanism by the District Attorney would have direct consequences for the operation of the CIDS Project and would need to be coordinated with it. This might lessen the need for CIDS personnel or permit a better utilization of resources. Development of a case screening mechanism should be given serious consideration.

*Table 11 in Section III shows that among felony arrests in 1979, charges were dropped prior to arraignment in 28.6% of the arrests. An additional 34.2% were filed as misdemeanors rather than felonies by the District Attorney.

4. Bail Referee

Another mechanism that has been suggested in Contra Costa County to speed pretrial release is a bail referee. A magistrate would have to delegate the authority to raise or lower bail and release on OR to the referee. After an arrest is made, the officer and arrestee would come to a detention facility for booking and the arresting officer, arrestee and bail referee would discuss the situation. The referee would then arrive at a decision regarding release conditions. It might be appropriate to have CIDS staff be available to verify some information on the spot. Theoretically, the referee could function at both the County Detention Facility and the city jails.

The feasibility of this concept needs further research and discussion with Probation and Court officials.

5. Court Organization and Staffing

Delays in Court processes result, for incustody defendants, in extensions in the time of incarceration. One topic in interviews with judges and other officials was whether any organizational or staffing changes could be proposed (or had been considered) which would affect jail populations and management.

One proposal concerned "weekend" and "evening" judges to handle arraignment and bail or OR matters. Penal Code Section 810 calls for designation of "not less than one judge of the superior court, municipal court, or justice court to be reasonably available on call as a magistrate for the setting of orders for discharge from actual custody upon bail, the issuance of search warrants, and for such other matters as may by the magistrate be appropriate, at all times when a court is not in session in the county." Although most of the judges interviewed believed that there were no significant problems in reaching judges, if need be, for weekend release decisions, there were some doubts expressed by other judges and officials interviewed regarding the adequacy of procedures for reaching judges. Some of the persons interviewed believed that more systematic procedures should be developed and made known.

To ascertain the potential impact of "weekend judges", a study was conducted of persons in the sample of bookings (week of March 25-31, 1980) who might be affected by greater judicial accessibility during weekends. Table 10: Weekend Bookings Potentially Requiring a "Weekend Judge" summarizes the cases in this study. The bookings reviewed include Friday and Saturday arrests. Persons cite released were excluded from this analysis, as were arrestees with holds and warrants. The holds and warrants cases were excluded on the grounds that these constituted additional complications to release, such that release would probably be delayed in any case.

According to Table 10, those arrested on Friday were, on the average, released sometime Sunday, whether on bail or OR. Those arrested on Saturday stayed in jail somewhat longer, although the majority of those released on bail got out of jail within 12 hours.

TABLE 10

WEEKEND BOOKINGS POTENTIALLY REQUIRING A "WEEKEND JUDGE"

(March 28 and 29, 1980)

	Released on Bail	Released on OR
Booked Friday	Average time to release: 50 hours (3 felony charges)	Average time to release: 48 hours (2 felonies, 1 misdemeanor charge)
Booked Saturday	Average time to release: 63 hours ¹ (6 felonies, 1 mis- demeanor charge)	Average time to release: 73 hours (5 felony charges)

(In addition to the bail and OR releases, one person was released via PC 849b after 120 hours.)

¹These releases ranged from 2 hours to 303 hours; 4 of the 7 cases achieved release within 12 hours.

The data in Table 10 are at best suggestive; further study would be required before drawing firm conclusions. If correct, the data suggest that some relatively modest improvements in pretrial release times could be achieved for weekend bookings if judges were available and willing to grant OR and/or perhaps reduced bail. There do not appear to be enough cases in this category to warrant the expense of an "onsite" judge; having the judge on call should be sufficient.

Another possible change in court procedure or staffing includes Martinez court arraignment for all incustody defendants, including those sent to the jail by police from the Delta, Walnut Creek and Bay Court Districts for prearrestment detention. This proposal has been the subject of attention in the County already. It may well have implications for jail administration since it entails potential changes in prisoner transportation and postarrestment processing.

The judges interviewed on the topic had mixed feelings regarding the proposal. Some argued that it would cause new complexities of paper processing. Others believed that the "home" district judges should retain jurisdiction at arraignment because they were more likely to be familiar with many of the defendants arrested in their districts. Some judges did note, though, the "one-stop" payment system for traffic tickets--through which payments or fines owed in any of the jurisdictions within the County may be paid at any other County court--might serve as a precedent for resolving the paper processing difficulties.

There are other areas for possible exploration, e.g., court delays. This issue goes beyond the scope of the Corrections Master Plan. However, it is possible that court delays do increase the length of incarceration for some number of prisoners. It would be desirable to collect more data on this issue, after the new Law and Justice Information System is fully operational, in the new detention facility.

6. Summary

Several issues have been identified for further analysis and recommendations have been made for change in release mechanisms for persons arrested and booked. Two areas which have potentially the biggest impact should be given the highest priority:

- + Outside holds and warrants constitute a significant deterrent to release. These holds have a major impact on jail populations, increasing average lengths of stay by 20 percent or more. Means of expediting the clearance of holds and warrants should be explored. In addition, release to State agencies of sentenced prisoners could be expedited. Such efforts could include purely local reforms, for example cite releasing prisoners with only "local" traffic warrants outstanding. Some reforms may require cooperation with Statewide programs. Because outside holds are a problem for jail administrators throughout the State, Contra Costa County might

work with other jurisdictions to develop or expand "transportation" systems for speedy transfer of prisoners to the jurisdiction originating the hold.

+ Felony OR release might be made available more quickly than is currently the case. The CIDS Unit is taking some steps to achieve this goal. These CIDS efforts should be augmented through more systematic access to "weekend" on-call judges. Once the alpha file of the Law and Justice Information System is available, it would be appropriate to consider reassigning CIDS staff to cover weekends.

These are the major areas for attention. It would also presumably be possible to speed up releases at least marginally in other respects. Earlier and closer screening of cases could result in quicker release on PC 849b than the current average of 29 hours. An onsite bail referee with authority to raise or lower bail or grant OR might also result in quicker release on OR or bail.

D. SUMMARY - PRESENTENCE ALTERNATIVES TO INCARCERATION

Before summarizing the various recommendations from the previous discussions, some general recommendations are important.

+ The new Law and Justice Information System should be used to collect detailed data on failure to appear rates (FTA's). The only consideration in pretrial release that the Penal Code recognizes is whether the arrestee is likely to appear for trial. Without adequate information on the results of various release mechanisms for various types of defendants, better informed release practices are not possible.* There are a number of management reports discussed in the Phase II reports, such as a report on FTA rates, that are important to a continuing analysis of the

*From studies in other jurisdictions, it seems that less restrictive pretrial release practices have similar FTA rates to more restrictive procedures (see Pryor, Donald, Significant Research Findings Concerning Pretrial Release, Pretrial Services Resource Center, May 1980.)

efficiency and effectiveness of the County's criminal justice system. Such reports can be generated through the Law and Justice Information System. However, in brief discussions with information system project personnel it appears that while the information is retrievable, new programs would have to be developed to obtain it. It is recommended that the Criminal Justice Agency staff, in conjunction with criminal justice agency administrators, be responsible for identification of needed management reports pertaining to the overall functioning of the criminal justice system. Criminal Justice Agency staff and agency administrators should also be responsible for analysis and dissemination of the data.

Analysis of FTA rates should be used to help construct a notification and reminder system. This would reduce FTA rates somewhat.

- + Similar information should be obtained through the Law and Justice Information System regarding rearrests of persons released pending trial. One practical obstacle to pretrial release is the fear of further crimes by the defendant. This fear should be addressed directly with empirical analysis of the actual rate of new arrests.

- + When the new jail is fully operational, the impact of the jail itself in detention and release practices should be monitored and examined. It is apparent from interviews that the jail will have a great impact on many criminal justice practices. As examples, it seems likely that law enforcement officers will be sometimes tempted to use the jail rather than detox centers for public inebriates, and to use the jail rather than County Hospital for mentally ill persons ("5150's"). The old jail was obviously intolerable; this created an impetus to pretrial release which will now be absent.

The preceding sections made several recommendations. These are listed below.

Regarding police practice:

- + The Richmond detox center should be made more available to West County police agencies. Police and alcohol program officials should identify conflicts and establish procedures that both groups find acceptable.

- + Police should not take "5150's" to the new Detention Facility. If there is confusion on this point after the new jail becomes fully operational, jail and police officials should meet to clarify policies, in conjunction with mental health officials.

- + Increased use of field citations is needed. All law enforcement agencies should have written field citation policies with explicit criteria for issuance of field citations; a policy that places an affirmative requirement on the arresting officer to state why a misdemeanor citation was not issued in the field is recommended.

In addition, police must be assured that the courts will require fieldcited individuals to be booked and identified. Procedures to satisfy this concern should be discussed at meetings of the Municipal Court Judges and of the police chiefs.

+ There has been a proposal for police to be given the opportunity to take drunk drivers to jail or to detox centers. The costs to detox centers and the savings to police and the Sheriff should be examined. Legislative change would be needed, in any event, to encourage law enforcement officers to use detox centers as an alternative to jail. Law enforcement officials (including the California Highway Patrol Area Commander) and Health Services officials are discussing this proposal and outlining strategies for achieving the legislative change necessary. In addition, research for the Master Plan had included gathering data on procedures used by the sheriffs in other jurisdictions (i.e., Santa Clara and San Diego Counties), to speed up the processing of drunk drivers. Several procedural changes including having a volunteer or a Department representative call someone to pick up the arrestee have been recommended to the Sheriff. Such changes should reduce the seven hour average length of stay for drunk drivers released on citations.

Regarding release of booked prisoners:

+ Highest priority should be given to clearing warrants and holds or transferring the prisoners with holds to the originating jurisdiction. This is a complex problem, with Statewide implications in some respects, and with local administrative changes required in other respects. Full exploration of the topic in various forums, County and State, is justified.

+ Felony OR release should be expedited. The progress of CIDS in this regard should be monitored.

+ The reasons for not cite releasing misdemeanants should be analyzed to see if Sheriff's and police personnel are interpreting PC 853.6 consistently and properly.

Regarding diversion and alternatives to prosecution:

+ The County should consider a systematic prosecution case screening function by which cases can be prioritized and in which low priority cases can be sorted out into diversion, District Attorney hearing, or other alternatives to full prosecution.

+ If this screening function is established, it should take place as soon as possible after booking. The case screening should weed out PC 849b's, reduce unjustified charges, and provide an early prosecution position on OR and bail reduction decisions by the Court.

+ The County should also consider whether a bail referee is a feasible and cost-effective approach to speed pretrial releases.

Regarding Court organization and staffing:

+ The accessibility of "weekend judges" should be increased, through a more explicit and formal "on call" system.

+ Although it is beyond the scope of the Corrections Master Plan to explore this topic fully, there may be delays in adjudication that impact on the length of pretrial custody for certain defendants. The Criminal Justice Agency is the appropriate agency to collect data on court processes (through the Law and Justice Information System). The study should focus on defendants remaining in custody past their first appearance or arraignment, and isolate the time elapsing between various appearances or stages of adjudication. A flagging system to identify unsentenced prisoners remaining in custody over five days should be developed and monitored by CIDS personnel.

III. SENTENCING ALTERNATIVES

With recent legislation in California, sentencing practices are in a state of flux. Most prominent of the changes is "determinate sentencing". The various measures constituting determinate sentencing legislation (DSL) have increased the relative proportions of convictions resulting in State prison incarceration and have lengthened average periods of incarceration. Other legislation uses increased levies in fines and fees as a way of offsetting "Proposition 13" revenue losses. For example, SB 1477 (1980) provides for charging program administration fees to prisoners serving "weekender" sentences. In short, the whole scope of sentencing (and sentencing alternatives) is undergoing considerable change. The following discussion of sentencing alternatives in Contra Costa County must be viewed as provisional. Continuing reappraisals are needed. This discussion sets out present resources and suggests issues for further consideration in the master planning process.

A. DATA ON SENTENCING PRACTICES IN CONTRA COSTA COUNTY

Complete and reliable data on case dispositions is not available. (When fully operational, the Law and Justice Information System will presumably remedy this problem.) The following discussions are based on Bureau of Criminal Statistics (BCS) reports about case dispositions and on special studies, done for this report, of a one-week sample of bookings and releases in the Contra Costa County detention facilities. BCS data are limited because there are problems of underreporting. The one-week sample may be unrepresentative of the whole year's activity in the jails. In both of the following analyses, then, the data should be understood as suggestive but not necessarily completely accurate. The data provides a guide, a starting point; it is sufficiently accurate for this purpose.

1. Sentencing practices--dispositional proportions

Table 11: Dispositions of Felony Arrests in Contra Costa County contains the most recent data available regarding the final outcomes of felony arrests in the County. Perhaps the most startling statistic in Table 11 is that in 28.6 percent of arrests, charges are dropped prior to arraignment. In only 56.3 percent of felony arrests was a conviction obtained. In addition, in 34.2 percent of cases, the felony charge at arrest was reduced to a misdemeanor charge by the District Attorney. (These figures are very similar to statewide averages.)

Full data are not available for misdemeanor arrests. According to BCS, of the nearly 17,000 misdemeanor arrests reported during 1979, law enforcement released approximately 10 percent without filing charges. It is not known what percentage of cases resulted in charges dropped by prosecutors. Nor are any final sentencing data available for misdemeanor arrests.

TABLE 11

DISPOSITIONS OF FELONY ARRESTS IN CONTRA COSTA COUNTY IN 1979

Type of Disposition	Totals	%	
Disposition of Felony Arrests	3389	100	
Law Enforcement Releases	643	18.9	<div>Total charges dropped before arraignment: 969 (28.6%)</div>
Complaints Denied	326	9.6	
Complaints Filed	2420	71.4	
Misdemeanor	1160	34.2	
Felony	1260	37.2	
Lower Court Dispositions	1578	46.6	
Dismissed	452		
Acquitted	9	13.6	<div>Total non-conviction after charges filed: 511 (15.1%)</div>
Convicted	1117	33.0	
Guilty Plea	1093	32.3	
Jury Trial	17	0.7	
Court Trial	7		
Sentence	1117	33.0	
Youth Authority	0		
Probation	228	6.7	
Probation with Jail	375	11.1	
Jail	323	9.5	
Fine	178	5.3	
Other	13	0.4	
Superior Court Dispositions	842	24.8	
Dismissed	46		
Acquitted	4	1.5	
Convicted	792	23.4	
Original Plea of Guilty	93	21.2	
Change Plea to Guilty	626		
Jury Trial	72	2.2	
Court Trial	1		
Trial by Transcript	0		
Sentence	792	23.4	
Death	1	-	
Prison	192	5.7	
Youth Authority	43	1.3	
Probation	65	1.9	
Probation with Jail	446	13.2	
Jail	16	0.5	
Fine	4	-	
CRC	18	0.5	
MDSO	4	-	
Other	3	-	

Total with no charges and/or non-conviction:
1480 (43.7%)

Total probation with & without jail
1114 (32.9%)

Total sentenced to some County Jail time:
1160 (34.2%)

Source: B.C.S., Criminal Justice Profile, Contra Costa County, 1979. Note that this data is subject to some doubt because of reporting problems.

Over a third (34.2%) of arrests and fully 60 percent of convictions resulted in some jail time as part of the sentence. (Over the past ten years, there has been a slight upward trend in jail sentences, from about 50% of convictions in the early 1970's to 60% of convictions in the late 1970's. The number of convictions has fluctuated considerably during this period.) About 25 percent of arrests and 40 percent of convictions combined that jail sentence with a period of probation.

2. Sentenced prisoners in the detention system

In average daily intake, sentenced prisoners account for about one in six of the bookings. (See Table 1, page 4.) Of the average daily population in the detention system, sentenced prisoners constitute 57 percent* of the prisoners. As shown in Table 12, half of the prisoners booked into the jail in sentenced status were convicted of misdemeanors, and 45 percent were prisoners convicted of felonies. Persons convicted of driving offenses and of thefts and burglaries comprise the bulk of the sentenced population. The remainder of cases are prisoners held for parole revocation hearings, who are thus considered sentenced prisoners.

The average length of stay (ALS) for sentenced prisoners is slightly over 22 days; for misdemeanants, the ALS is 12 days, while for felons it is 34 days. Persons convicted of assaults and crimes against persons received the longest sentences--over 50 days on the average.

In addition to those prisoners sentenced to jail, about 10 percent of the "unsentenced" prisoners are released, after being sentenced to jail but given credit for time served. These prisoners serve an average of two weeks in presentence status before being released.

3. Summary and recommendations

Contra Costa County makes considerable use of jail sentences, although these sentences are for average periods of only about three weeks. (The percentage of Contra Costa County arrests (34.2%) and convictions (60%) that result in some jail time as part of the sentence is similar to other counties that were checked for comparison purposes (i.e., San Mateo, 36% and 56%; San Bernardino, 37% and 49%; Fresno, 35% and 60%; Kern, 34% and 51%; Riverside, 32% and 48% respectively**).) Data available on sentencing practices and their impact on jail populations is not, however, complete. The Law and Justice Information System should be used to develop more complete data when the Court and jail information components of that system are operational. Specifically, detailed studies should be done regarding the proportions of cases resulting in jail sentences and the length of stay for those sentenced.

*(Sample: Population in jail system on 2/16/81. Prisoners held at County Hospital and out of County were not included in the sample.)

**Source: B.C.S., Criminal Justice Profile 1979 - Statewide, pp. 75-81.

TABLE 12

AVERAGE LENGTH OF STAY (ALS) FOR SENTENCED PRISONERS
IN 1980, BY CHARGE CATEGORY

(Sample: prisoners booked during March 25-31, 1980)

Charge Category	ALS	Number Prisoners
I. <u>Misdemeanors</u>		
Petty Theft/Property Crimes	7.8 days	2
Assaults/Crimes v. Persons	51.6 days	2
Substance Abuse	-	-
Traffic	8.0 days	15
Miscellaneous	1.5 days	1
Total Misdemeanors	12.1 days	20
II. <u>Felonies</u>		
Theft and Property Crimes	28.9 days	9
Assaults and Robberies	50.4 days	4
Substance Abuse	86.9 days	1
Other	15.8 days	4
Total Felonies	34.0 days	18
III. <u>Miscellaneous Outside Holds</u>	16.9 days	2
TOTAL	22.1 days	40

B. ALTERNATIVE PROGRAMS AND PROCEDURES

This section discusses alternative resources within the criminal justice system in Contra Costa County for supervision of convicted offenders. Some alternatives involve alternatives to incarceration; others involve special modes of custody while under Sheriff's Department supervision. The latter special modes of supervision--such as work furlough--are classified as "alternatives" at least to "mainline" incarceration, although in many respects they are an integral part of the detention system in the County.

1. Probation

The single most significant alternative to incarceration is probation supervision. Figure 2: Probation Department Caseloads, 1969-1979 shows the substantial growth in probation caseloads over the past decade. During the past three years, adult caseloads have remained steady at nearly 4,500. (Probation Department officials anticipate a 7.4% increase over the next three years.) During the period in which probation caseloads were increasing, the number of total (adult and juvenile) authorized positions in the Department declined by about 10 percent from 441 (in 1975-76) to 397 (in 1980-81).^{*} The County Probation Officer estimates that increases in the numbers of persons supervised have occurred more in the adult caseloads. Average adult caseloads in 1980 were approximately 130 per supervising probation officer.

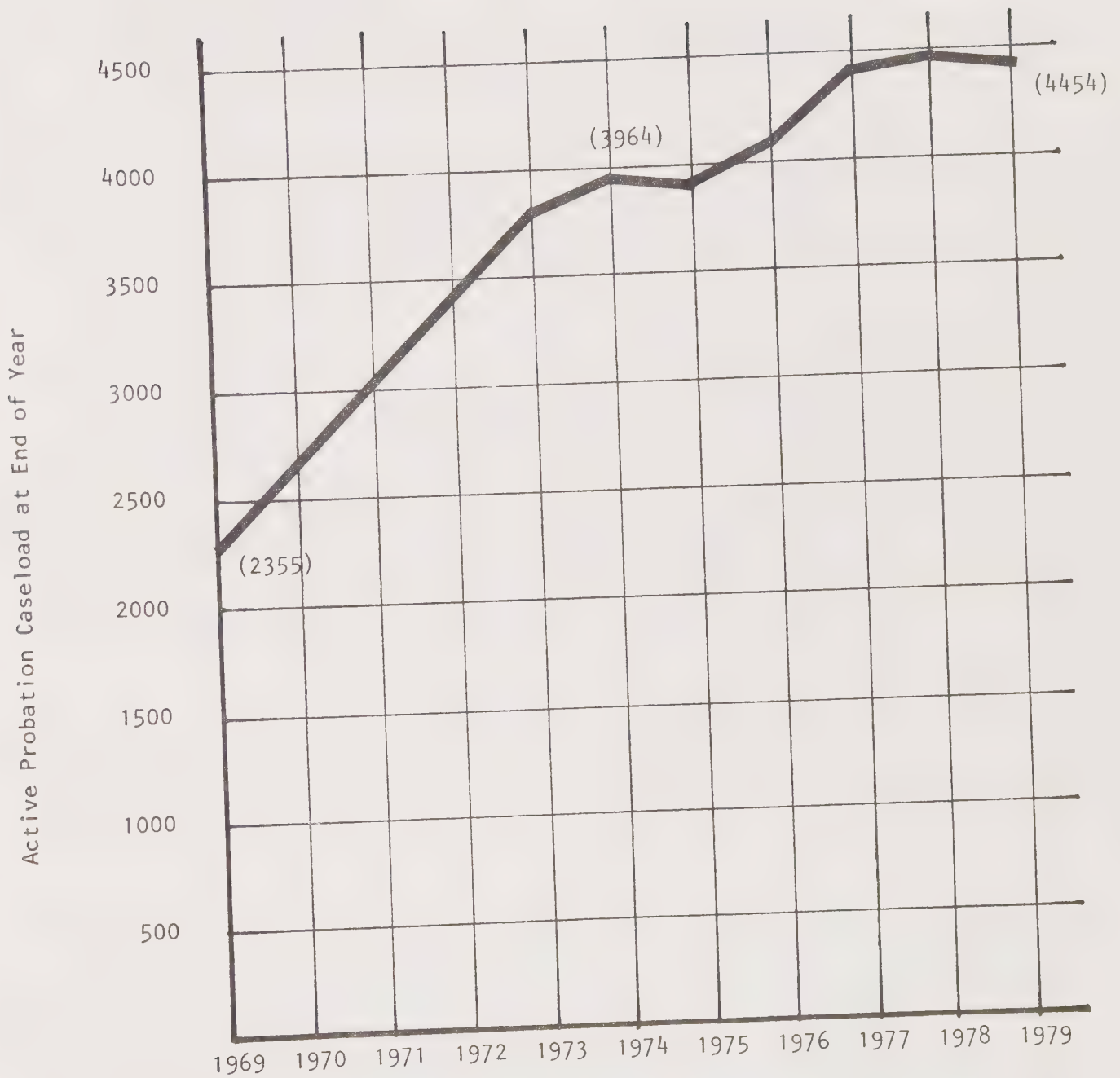
In Contra Costa County in 1979, 58 percent of the persons arrested for a felony and convicted were placed on some form of probation. Of the total number of defendants convicted in Superior Court (792), 56.3 percent (446) were sentenced to probation with jail, and 8.2 percent (65) were sentenced to probation. Of the total number of defendants convicted in the lower court (1,117), 33.5 percent (375) were sentenced to probation with jail, and 20.4 percent (228) were sentenced to probation. A total of 2,195 persons were placed on probation in 1979 (this figure includes persons arrested for misdemeanors and sentenced to some type of probation).^{**}

The Probation Department has cut back on special programs and caseloads. In 1980, an "Alcohol Related Crimes Unit" ended. The project, funded through LEAA, provided "intense mandatory counseling service to offenders who were both charged with property crimes (burglary, grand theft and auto theft) and who had alcohol abuse problems".^{***} The assumption of the project was that there was a relationship between two behaviors--criminal activity and substance abuse--and through counseling for the alcohol problems, criminal activity would be reduced.

^{*}Source: "Reference Data", Contra Costa County Probation Department, prepared for the Board of Supervisors, Finance Committee, June 30, 1980.

^{**}Source: B.C.S. Criminal Justice Profile - 1979, Contra Costa County.

^{***}Probation Services Annual Report, 1979, p. 26.



Source: B.C.S. Criminal Justice Profile. Figures are December 31 caseloads.

FIGURE 2: PROBATION DEPARTMENT ADULT CASELOADS, 1969-1979

Remaining specialized caseloads include two "Resource Officers", whose duty it is to locate, evaluate and monitor services and programs in the community. The Resource Officers provide referral advice to other probation officers supervising caseloads. In addition, the Resource Officers work with two Placement Officers, who place and supervise probationers in residential treatment programs for alcoholism, drug abuse or mental health problems. In 1979, there were 119 probationers assigned to the Placement Officers; of these, 32 required drug programs, 79 were placed in alcoholism treatment facilities and eight were given mental health placements.

The Probation Department also has a small unit which arranges community service placements. One condition of probation (or diversion) is often to spend a specified period of time working for community agencies, charities or non-profit organizations. In 1979, over 400 probationers were assigned some community service hours; over 21,000 hours of community work were provided by these probationers.

The concept of probation has been justified by pointing to its rehabilitative benefits and its economy when compared with the costs of incarceration. Some studies raise doubts about the efficacy of probation as a reformatory influence on offenders.* A variety of specialized caseloads and reduced caseload projects have been attempted in efforts to find an optimal supervision strategy. To date, these experiments have not proven highly successful, although there is some evidence that certain specialized caseloads do afford at least modestly successful interventions.** This was demonstrated in an evaluation of a recent Contra Costa County Probation Department project. The intensive supervision project, related to alcohol counseling of selected offenders (ARC), reduced recidivism within their project clientele by 20 percent up to 18 months following intake when compared to a control group.***

Whatever the rehabilitative effectiveness of probation, an additional justification for probation is that it is less costly than incarceration options. The Probation Department estimates that the cost of supervision in the regular caseload is approximately \$400 per person per year, as compared with a cost of \$16,275 per year to hold a

*The "what works" studies are most prominent among the studies raising questions about probation effectiveness (and all other rehabilitation programs). See Douglas Lipton, Robert Martinson and Judith Wilks, The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies, New York, Praeger, 1975. This study precipitated a major controversy, and it is correct to say that "the jury is still out" regarding how and when probation supervision is effective in reforming offenders or controlling criminal behavior. A balanced view is presented in Kim Nelson, Howard Ohmart and Nora Harlow, Promising Strategies in Probation and Parole, NILECJ, November 1978.

**J. Banks, et al, Phase I Summary Report: Evaluation of Intensive Special Probation Projects, NILECJ, National Evaluation Program, September 1977.

***URSA, Evaluation of the Intensive Supervision: Alcohol Counseling of Selected Offenders (ARC--Alcohol Related Crime) Project, Third Year Evaluation Interim Report, November 24, 1980, pp.i-iii.

person at the Rehabilitation Center for a year (\$45 per day). This cost comparison is not, of course, a full cost-benefit ratio. (Such an analysis would have to include such items as the cost of criminal activity of those persons arrested while on probation. Even this would not include the real cost of undetected criminal activity while on probation.)

2. Presentence reports

As assistance to the Courts in sentencing decisions, the Probation Department has the responsibility of providing a report to the Court regarding whether a convicted defendant would benefit from probation services. These probation reports (pursuant to Section 1203 of the Penal Code) discuss the circumstances of the offense and background information regarding the defendant. The report recommends a disposition to the Court. Since passage of SB 42 (the "Determinate Sentencing Law"), these reports can be considered as evidence, and Judicial Council rules have made the content of the reports more specific. In 1979, the Probation Department prepared 4,056 such presentence reports for Contra Costa County Courts.

Penal Code Section 1203.02 delineates an alternative procedure for courts to use. This is a "diagnostic commitment" of convicted prisoners to the Department of Corrections. Prisoners are sent to Vacaville for up to 90 days, for observation and evaluation of whether they would suffer or benefit from confinement in state prison. Other diagnostic reports about the need and suitability of mental health treatment can also be requested by the Court in certain circumstances. These mental health reports are discussed in another Master Plan report, Phase II: Health Care and Criminal Justice.

Public Defender Liaison Worker Program

Penal Code Section 1203.03 specifies that other parties to the case may also make recommendations to the Court regarding the sentence to be handed down. Police, prosecutors and defense attorneys may file such recommendations with the Court. In some California jurisdictions, "alternative sentencing plans" are provided, on contract with the Court and/or with defense attorneys, by social scientists and other consultants. In Contra Costa County, an analogous function is performed by the Public Defender Liaison Worker Program.

The Public Defender Liaison Worker Program began in July 1976. On referral by attorneys with the Public Defender's Office, the program staff meet with criminal defendants to discuss treatment or other assistance needs. Based on these discussions and on placements lined up by the staff, a suggested treatment plan (which also often becomes an alternative sentencing plan to Probation's presentence report) is prepared for presentation to the Court. Program staff report that the caseload, which has in recent months been as many as 120 new cases per month, includes defendants with a wide variety of criminal charges.

Of the placements achieved by the program, roughly 25 percent are in alcoholism programs; 10 percent each are for substance abuse and mental health programs. In addition, the program handles a high volume of cases in which a civil or criminal conservatorship is contemplated by the Superior Court. (See Phase II: Health Care and Criminal Justice.) The majority of the criminal defendants in the caseload are placed on probation, with the

Liaison Program staff recommendation for program placement or participation as a requirement. Most of the program's criminal clientele are presentenced.

No data are available regarding whether the treatment/sentencing plans prepared by the program are significantly different from Probation's presentence reports, nor is there any evaluative information about the degree to which the program reduces jail sentences. Program staff feel that they are freer than Probation staff to suggest innovative or less traditional program alternatives, because of their client advocacy position in the criminal proceedings.

There is some overlap between the Liaison Worker Program and other "reentry" or program placement functions, particularly the Jail's Mental Health and Substance Abuse reentry functions and the Probation Department's Resource Officers' and Placement Officers' functions. Careful attention should be given, in the future, to the relationship of these functions. It should be noted that although there is some "redundancy" in activities, the Public Defender Liaison Program is unique in its "advocacy" function for defendants. There are no inherent policy or organizational reasons why the Public Defender cannot work effectively in this area of developing viable client-centered treatment plans.

3. Special custody

There are two forms of special custody that are sometimes used in Contra Costa County as alternatives to more traditional modes of incarceration. "Weekender" sentences are handed down by the Courts to individuals for whom "straight time", including weekdays, would result in a loss of employment or some other detrimental side-effect. Work furlough is also a program designed to help prisoners hold outside jobs. Entry into work furlough is administratively controlled through the Sheriff's Department, rather than directly by the Courts.

a. Weekenders

In Contra Costa County, as in other sheriff's departments, "weekender" sentences are a major administrative burden for jail commanders. In Contra Costa County for the months of October through December 1980, 218 men were booked into the Rehabilitation Center to serve weekend sentences. The number of weekenders at the Rehabilitation Center on any given weekend averaged 33. An entire additional dormitory is opened and staffed each weekend. Weekenders also create other security problems, such as the introduction of contraband.

Two changes are frequently mentioned in regard to the current weekender program. The first would alleviate the housing burden by altering the structure of custody for many, if not all, weekenders. Persons assigned to weekend sentences would report during the days only on weekends, for work crews. The second change would take advantage of Penal Code Section 1209 to allow the Sheriff to collect fees from weekenders to defray the administrative cost of the program.

The "day crew" approach to weekend sentences is similar to programs in other jurisdictions in California. For example, the San Mateo County Sheriff's Department ran a program of day work on weekends for approximately 25 men per weekend. The program was initially staffed by one paid supervisor; after funding cuts, the weekenders were supervised in "cleanup crews" by deputized personnel from the Parks Department. The costs for the program were minimal; there was almost no supervision cost to the Sheriff's Department, and aside from whatever modest costs might be allocated to rebooking activities, the only expense associated with the program was for the weekenders' lunches.

The San Mateo program was operational until a year ago (funding cutbacks in the Parks Department and the need for more detailed planning prevented continued operation of the program). There is interest in reviving it in the near future. The program avoided some potential problems by keeping a "low profile". For example, potential union opposition was avoided by carefully selecting work sites and activities that did not encroach on union areas. The judiciary was apparently not fully aware of the administrative structure of the program, and perhaps for that reason, few objections to the "days only" weekend sentences were voiced by the Courts.

Municipal Court Judges interviewed for the Contra Costa County Master Plan were divided in their reactions to the idea of "day crews". All insisted that there be at least some provision for incarceration of weekenders, and some voiced negative reactions to the idea of day crews for any of the weekenders. All agreed, however, that weekenders were in fact a "nuisance" to the Sheriff. They did urge that if the Sheriff's Department were to institute a program for day work only, the Courts should be notified and involved in developing the program.

The second potential reform in "weekender" programs is the collection of an administrative fee from the prisoner. This is newly authorized in 1980, in Section 1209 PC which states that for weekenders, "the county may collect from the prisoner according to the prisoner's ability to pay so much of the costs of administration of this section as are allocable to the prisoner". The Court may, under this section, order the defendant to pay the fee designated by the Sheriff, with the "funds deposited in the county treasury pursuant to county ordinance". None of the judges interviewed had yet ordered such a payment by a weekender, although none of them objected to doing so. They appeared somewhat uncertain regarding the application of this section. It seems that the Sheriff should take the initiative regarding fee collection.

In short, both reforms are workable; together, they could not only ease administrative and staffing problems posed by weekend sentences, but also provide some additional revenue in fees. It is recommended that the Sheriff take the initiative in developing both a day crew program and in developing a fee schedule and accounting procedure. These proposals should then be discussed with the Courts to solicit judicial feedback and subsequent cooperation.

b. Work Furlough

Under PC 1208, work and education furlough programs can be established in counties. These programs involve release to jobs or school, but residents return to the custodial setting for housing. The work furlough program in Contra Costa County is operated by the Sheriff. Contra Costa County's Men's Work Furlough Facility in Richmond has a rated capacity of 72, and the Women's Sentenced Facility, which includes a work furlough program, has a rated capacity of 25. During 1980, there was an average daily population of 55 men and 18 women; men stayed in the program an average of 56 days, women an average of 33 days.* The Sheriff also contracts with the California Department of Corrections (CDC) for prisoners to be housed at the Work Furlough Center; 30 men were received in 1980 for a length of stay of 90 days each. In addition, some contract prisoners are accepted from Napa County.

Work furlough program participants are expected to pay a fee of \$35 per week if the prisoner is working. CDC is charged \$33.85 per day for prisoners, and Napa County is charged \$23 per day. In 1980, the Work Furlough Center generated \$71,591 in room and board fees (which were deposited in the County's General Fund), and collected approximately \$44,500 from CDC and \$12,000 from Napa County in contract fees for housing.

There are a few significant limitations on eligibility for work furlough for County prisoners. Prisoners with a wide variety of charges are accepted, although Center staff screens prisoners with records of violence or substance abuse closely. The primary requirement is that a potential resident have a job. Occasionally Center staff accepts prisoners who want to engage in a job search. (A January 25, 1981 count indicated 41 of the 56 men (73%) at the Center held jobs. One man was on education furlough.) Most of the women, however, are not working in outside jobs. Six of the 21 women (28%) were on work furlough status on January 25, 1981. Two women were on education furlough. Most of the prisoners come, in effect, straight from the Courts. (Judges appear to regard work furlough and weekender status as roughly comparable; if the sentenced incarceration time is less than 15 days, weekend sentences are typical. If the sentence is for more than 15 days, the judges appear to request work furlough.)

Staff report that the Center is strictly supervised; drug testing occurs, and rules are consistently enforced. However, there is an attempt to "treat the residents like adults" and avoid excessive rules and monitoring.

*The women's facility houses most of the County's sentenced women, including over 100 women who, in 1980, were given "weekend" sentences. For purposes of this report, the men's and women's facilities will be referred to as the Work Furlough Center.

A number of programs are available at the Work Furlough Center. These include drug counseling, religious counseling, education classes, employment counseling, crafts programs, and library access. It should be noted that a number of the providers of these programs and services expressed the feeling that there was little active support for their programs by Work Furlough Center staff. This appears to reflect the philosophy of staff that interventions should be kept minimal, that the Center should be a relatively "low key" place. While this philosophy is quite appropriate for many of the residents who already hold jobs, a more aggressive approach is warranted for reaching the less advantaged or less well-employed residents.

There is space for an increased population at the Work Furlough Center. This seems to argue for more openness to prisoners transferring from the Rehabilitation Center or the County Detention Facility (in addition to those referred directly from Court) and to prisoners engaged in job searches (in addition to those already employed). To the degree that the residents' "profile" changes toward more residents who are in effect reentry prisoners from other facilities and toward residents who are seeking jobs, the programming in the Center should be upgraded and aggressive efforts should be undertaken to encourage prisoner involvement in the programs offered. This can take place with little additional cost. It is a matter of staff encouraging outside community resources to provide services at the Center, and encouraging residents to utilize the resources available.

Particular attention should be focused on the women's work furlough program. Over the last several years, the women's facility has been the only facility available in the County to house women. Housing the entire range of sentenced women made the facility operationally more difficult to manage. However, now that the CDF is available to house medium and maximum security sentenced women, new efforts should be made to accept women into the work furlough program on job search and to develop more prisoner involvement in the incustody programs offered.

It is also appropriate at this time to reconsider how the men's and women's programs at Richmond should relate to each other. The Women's Sentenced Facility was developed to provide equal program and facility options for female inmates in Contra Costa County.* The choice of the Richmond location was made so that the services and programs (e.g., food, education classes) could be shared with the already existing Men's Work Furlough Facility. Although food is prepared in the men's kitchen for both facilities, the food is then transported to the women's side. While the women's facility was being constructed, the women were housed in a wing of the men's facility and dining was co-ed. Education classes are mostly co-ed, although the daytime crafts class is for women only and the new typing class is for women only (discussions are currently underway to try and open this class up to men).

*See Grant Award, County of Contra Costa, Office of Criminal Justice Planning, Women's Minimum Security Facility, Nov. 5, 1975. Bay Area Quest Program, Final Report--Contra Costa County Study of Female Offenders, June 28, 1976; C7500 92 AJZ Phelps, Carol v. Ramsay and Board of Supervisors (et al).

There are a number of advantages and disadvantages to a shared corrections program. The most significant advantage to a co-ed program is the "normalization of the environment". In talking with wardens, detention commanders and staff of co-correctional programs*, they comment that an integrated environment prepares prisoners for release and reduces adjustment problems. Other advantages cited are: reduction of institutional violence, increased (and better) program opportunities for women, improved staff/prisoner relationships and cost effectiveness (equal access to programs and non-duplication of services). The disadvantages include the need for increased staff supervision, particularly for recreational activities--basically it requires more staff energy to manage a co-corrections environment; physical contact violations; strain on married prisoners; diminished program participation of women (staff at co-ed facilities agree that women tend to spend their time on their co-ed relationships) and cost (the staff/prisoner ratio is often higher in co-ed programs).

The County already has a successful history of operating co-ed programs and services at the two facilities. The benefits, particularly equal access to programs and non-duplication of services (and the return of the women's facility to housing only minimum security women), seem to argue for a clear policy that a co-corrections program should be operated at the Richmond facilities.

c. Summary

In both "special custody" programs listed here, there is room for redefinition. The weekender program could be made more manageable by having at least a certain number of the weekenders report only for "day work crews", without staying overnight. Collection of fees would help offset the costs of the weekender program. To be workable, though, these reforms will require considerable advance preparation. Not only must the Courts be involved at an early stage, the work to be done must be such that union problems are avoided.

Further discussion should take place also regarding the role in the corrections system of the work furlough program. More openness to transfers from the Rehabilitation Center and the County Detention Facility and to unemployed "job search" residents would change the character of the program and require more aggressive programs and services. (See also Phase II: Incustody Programs and Services.)

Together, the changes in the weekender program and in the uses of the work furlough program could entail a substantial reduction in the use of the Rehabilitation Center. Not only would some prisoners be housed in the work furlough facilities, the weekend housing peaks would be smoothed.

*Approach Associates, California Legislature Study of Correctional Needs, June 1978, Vol. 3, Institutional Programs, pp. 85-91.

4. Shortened custody

There are several provisions in the Penal Code whereby the Sheriff or other authorities may reduce a prisoner's term of incarceration. Section 4024.1 PC provides for accelerated release in situations of jail overcrowding. Section 4019 PC addresses good time and work time reductions in sentences. (See Phase II: Incustody Programs and Services.) The following discussion treats County Parole, as governed by Penal Code Sections 3074-3081. Although County Parole is used hardly at all in Contra Costa County, it is a potentially important alternative to incarceration.

Parole decisions are made by the Parole Board, consisting of representatives of the Sheriff, the Probation Officer, and an appointee of the Presiding Judge of the Superior Court. The Board meets on the first and third Thursday of each month. It is staffed by the Commanding Officer and a Field Officer at the Work Furlough Center.

Prisoners may apply for parole at any point in their incarceration. In practice, they are expected to have been in a facility for at least a month, to allow time for observation of their behavior. The rule of thumb generally applied in decisions regarding whether to grant parole is that parole is an exceptional privilege for which the prisoner must have some compelling reason. An example would be a severe illness in the prisoner's family. When a prisoner applies, letters are sent to criminal justice officials previously involved with the prisoner (such as the sentencing judge) for reaction and recommendation. In addition, Work Furlough Center staff review the background of the case and check on the reasons given by the prisoner for wanting parole. At the Parole Board hearing, the prisoner can bring witnesses and an attorney.

If the Board grants parole, there are typically stipulations similar to the terms and conditions of probation grants. Parolees are usually expected to report to the supervising Field Officer at the Work Furlough Center. The length of parole varies. For parolees who are sentenced to probation following their jail time, the parole supervision lasts only until the scheduled completion of jail time. (This has averaged about three months, according to the Field Officer.) For others, who do not have probation as part of their sentence, parole supervision can extend up to two years. (This two-year "tail" reportedly deters many prisoners from applying for parole.)

In 1980, 27 prisoners applied for parole, but parole was granted in only three cases. The reason for refusal most often given was that the prisoner did not offer a compelling reason for being placed on parole.

It would be appropriate for the County to review different models of County parole, including the concept of earning parole. For example, in San Francisco the County Parole System handles a higher caseload and attempts to provide reentry services for parolees, who are not selected solely on the basis of "compelling need". Further investigation is needed, however, to ascertain whether the County would benefit noticeably from a less restricted parole policy. The Sheriff has not considered expansion of the concept of County Parole, due in part to judicial opposition. A large

majority of jail sentences are now followed by probation and the Probation Department's Jail Liaison Officers (along with other reentry officers) do provide reentry counseling. At a minimum, the Sheriff's Department should review existing criteria and rules, so that County Parole could readily be used to release selected prisoners early during a period of jail overcrowding. If County Parole is expanded, it is recommended that consideration be given to having the Probation Department be responsible for the parole supervision function. This might be preferable to developing a monitoring capability within the Sheriff's Department when the Probation Department already has the capability.

C. RESOURCES FOR CORRECTIONS

In addition to direct alternatives within the criminal justice system, corrections draws upon resources in mental health, substance abuse, employment, and other counseling and care programs. These resources become part of criminal justice supervision when, on referral from the Court or as a condition of probation, counseling or treatment is mandated. Offenders often face problems other than criminal charges; unemployment, emotional problems, and drug or alcohol dependency are common among offenders. Adequate societal response requires a variety of modes of supervision or assistance.

In interviews with criminal justice officials from several agencies--probation, courts, prosecution and defense--the nearly unanimous view was that Contra Costa County's highest priority need is for additional mental health resources or better use of existing ones for criminal justice clients. This topic is discussed in a separate report (see Phase II: Health Care and Criminal Justice). The scope and the complexity of the issues required extensive separate discussion. The following descriptions of resources available to Contra Costa County criminal justice agencies cover the remaining areas of counseling and care. The descriptions are based on interviews with criminal justice and social services personnel, and on examination of the program files of the Probation Department Resource Officers.*

In addition to listing the educational/vocational programs, emergency services offering food, lodging and clothing and both in and out-patient mental health resources, the Resource Officers' files identify the major drug, alcohol, and offender halfway houses of potential use by County criminal justice agencies. The following sections summarize information in Resource Officers' files--which appear quite complete--the resources for alcoholism, substance abuse, and halfway house accommodations.

*The Resource Officers keep information about program content, eligibility, and cost for several hundred programs, agencies and services in Contra Costa County and California. The Resource Officers provide referrals for supervising deputies; over the past five years, these referrals have averaged about 50 per month. Roughly one-third of the referrals are for alcohol related programs; drug programs were frequently used during the mid-1970's, but referrals to drug programs have declined to about half the volume of alcohol programs.

The referrals made directly by supervising deputies, which do not come through the Resource Officers, are not available in quantitative form.

1. Substance abuse

There are several specialized drug outpatient programs available to Contra Costa County for counseling, crisis intervention, education, etc. Most of these are, however, outside the County in San Francisco, Alameda, and Santa Clara Counties. Within the County, there are a methadone detoxification and drug counseling clinic at County Hospital; methadone maintenance clinics in Pittsburg and Richmond (also part of County mental health/medical services); a hotline and drug counseling service in Antioch; and counseling and crisis intervention services at several Discovery Centers (in Concord, San Pablo, Danville, Rodeo and Martinez). In addition, several of the less specialized outpatient psychological clinics provide drug counseling. The drug counseling programs are typically financed by the National Institute of Drug Abuse (NIDA) and/or Short/Doyle monies.

Figure 3: Residential Drug Treatment Programs displays the location of residential drug treatment programs at least potentially available to Contra Costa County referrals. Only one is located in Contra Costa County--Discovery House in Martinez. This program is a co-ed program for adults, providing a 9-18 month treatment program and a 6-8 month reentry program. There are a number of programs in the greater Bay Area with a variety of treatment plans. The entire group of residential drug treatment facilities are heavily dependent on NIDA funds.

It is difficult to evaluate whether there are "enough" or "adequate" drug treatment resources for the County. There are not many programs in the County, but the Bay Area as a whole does offer a large selection. There is considerable disagreement among professionals regarding which treatment procedures or philosophies are most effective. This, too, makes it difficult to evaluate the adequacy of the programs available. In general, it can be said that none of the persons interviewed listed drug programs as seriously deficient. Although some officials were concerned about the absence of residential programs in the County, this was not listed as a serious problem, given the large number of programs in nearby counties.

2. Alcohol programs

There are a large number of outpatient alcohol counseling and education programs, funded from a variety of sources, both inside and outside the County. There are public detox programs in Richmond, Pittsburg and Martinez, and privately funded detox hospitals around the Bay Area, including one in Concord and one in Pinole. The private facilities tend to provide longer term (typically three to four weeks) detox than the public centers (which are typically for 72 hours). The private facilities can also be very expensive, with costs ranging from \$2,000 to over \$5,000 per month. Police referrals of public inebriates are taken to the public detox centers. As discussed earlier in this report, Page 9, there have been some problems of access to the Richmond detox center.

As shown in Figure 4: Residential Alcohol Treatment Programs, there are several facilities in the County for longer term residential care and treatment of alcoholics. Some of these programs have very limited eligibility (e.g., the Veterans' Administration Hospital in



FIGURE 3: RESIDENTIAL DRUG TREATMENT PROGRAMS



FIGURE 4: RESIDENTIAL ALCOHOL TREATMENT PROGRAMS

Martinez); some are quite expensive. Funding for the longer term residential facilities comes from a variety of sources, including Short/Doyle monies, fees, and private charities. Residential alcohol treatment programs were not listed as a serious need by any of those interviewed.

Drunk driver program

An additional alcohol treatment and education program used by criminal justice agencies is the Post Conviction Drunk Driver Program (PCDDP). Persons on a second conviction for drunk driving attend a year-long education program regarding alcohol and driving, in lieu of having their driver's licenses taken away. The program is authorized in Vehicle Code Section 23102.1; it is a kind of diversion program in that it entails the suspension of mandatory jail sentences for second convictions for drunk driving.

In Contra Costa County, there were 1,579 persons who went through this program from June 1979 to July 1980. The program fee schedule is from \$0-696, depending on a person's ability to pay. The law requires that the program be self supporting, thus only a certain number of people who cannot pay anything can be accepted. The program provides group and individual counseling, Alcoholics Anonymous and information and referral.

3. Emergency housing and halfway houses

It is frequently the case that an offender leaving jail or prison needs temporary shelter. Halfway houses are intended to meet this need. The program content of halfway houses can range from intensive counseling and assistance to minimal services of room and board. Within Contra Costa County, there are several emergency housing resources for short stays. There is only one small correctional halfway house, specifically designed for ex-offenders.* (Halfway houses keyed to religious activities, substance abuse or mental health problems do exist--albeit largely outside Contra Costa County--for offenders.) There are a handful of correctional halfway houses in Alameda, Sonoma, San Mateo and San Francisco Counties, and in the South Bay.

The lack of in-County halfway houses is a significant gap in County correctional services according to a number of persons interviewed, including Probation officials, Friends Outside staff, and other criminal justice officials. Reentry programs and halfway house resources are available in some degree for prisoners with special problems; however, for the general population of prisoners, there is little reentry programming in the jails and Work Furlough Center and there is only the one local halfway house for prisoners after their release. It may well be that there would not be sufficient use of another local halfway house by County jail releasees alone. The potential for a shared facility with Federal and State correctional

*An Episcopal minister operates this halfway house; it has served 30 persons over the last two years, both adults and juveniles and State and County releasees.

agencies should be explored. A high priority in the Contra Costa County AB 90 Plan calls, in fact, for prerelease or reentry programs for State offenders in the County. This priority is consistent with the development of halfway houses or reentry program facilities for County prisoners as well.

D. SUMMARY AND CONCLUSIONS

Although laws governing sentencing are changing rapidly (e.g., increases in mandatory sentence laws), there are certain areas in which Contra Costa County could develop more substantial alternatives. Some of these alternatives may be costly; others are, in fact, ways of reducing costs or meeting increased workloads without staffing increases.

1. Changes in expectations of probation

There should be a serious and realistic dialogue between Probation officials, Court officials and others, such as the District Attorney and Sheriff, regarding the kind and level of probation supervision to be expected. It is clear that with caseloads of 130 and up, close supervision and supportive counseling cannot occur in most cases.* Some consideration should be given to alternative supervision strategies.

Specifically, a greater proportion of cases might be required to be on probationary status, but not under direct probation supervision and treatment.** Probation's role would, in effect, be to notify the Court if the probationer was rearrested, at which time sentencing on the original offense could be modified. The resources saved (if only in paper processing) by this reform could be applied to strengthening certain specialized intensive supervision caseloads.***

There are, of course, no simple answers. But the realistic and proper role of probation is a subject that should be addressed if the County is to rationalize its correctional services in a period of severe fiscal constraints.

2. Strengthening reentry resources

There are two main areas in which reentry resources must be strengthened if the County is to have a sound corrections system. Work furlough needs to be used more aggressively as a means

*The Probation Department does have a classification system to help manage caseloads. The maximum, medium and minimum classifications designate the degree of contact with the probationer. Probationers typically are given a maximum classification for the first 90 days of probationary status.

**The Court may also place persons on court probation. No monitoring is done. Typically this occurs only in the lower court.

***A further reform could then be to explore with State parole agencies the possibility of joint or unified activities. Particularly with the "specialized" caseloads, the combined State and County resources might strengthen the quality of supervision. Such a combined effort would fit well with a combined reentry facility suggested above.

to assist in reentry. Currently, the program works well for prisoners who already have jobs. However, prisoners without jobs find it difficult to get into the work furlough program, and the Center does not appear to be strongly involved with programs to support job hunting and reentry skills. One of the main opportunities a work furlough program provides is the gradual reintegration of prisoners into society; this is an opportunity largely foregone in the program as it is set up now. It would require facility staff to become more affirmatively involved in reentry services.

There are a variety of reentry counseling programs in the jail for mentally ill prisoners and prisoners with substance abuse problems. In addition, the Public Defender Liaison Worker Program provides a valuable advocacy role for prisoner placements in the community. Finally, Probation Jail Liaison and Resource Officers are also concerned with reentry problems. However, there are few residential resources in the community for offenders with, or particularly without, special problems such as alcoholism. Efforts should be made to create a halfway house for offenders. Depending on further evaluation of the issue, this facility could emphasize various elements of prerelease and reentry planning for prisoners. Because the State and Federal Governments are also potential and interested users of community correctional programs for prerelease prisoners and parolees, discussions should be initiated to explore the feasibility for joint funding and programming for the facility.

Finally, such a halfway house should be used in conjunction with an expansion of County Parole. Parole, like work furlough, can be used to encourage reintegration into society. It is not being used for such purposes now in the County. With the establishment of a halfway house, parolees might spend some period of time in residence prior to full release.* To the extent supervision of parolees is appropriate, the Probation Department should be considered for this function.

3. Weekenders and other sentencing options

It is recommended that the current reliance on weekend sentences be changed. These sentences are highly disruptive to good jail management, they are costly, and they provide little positive effect in terms of punishment of offenders. To the degree possible, the Sheriff should develop a "day work crew", doing public service kinds of activities, for persons sentenced to weekends. This approach is less costly and it at least provides a kind of constructive sanction, a repayment by the prisoner of his "moral debt" to the public good.

Once the program is established, a second stage of planning could take place. The feasibility of combining the weekend work program with the current community service program in the Probation Department should be explored. To the degree that a full community services process can be developed, the Courts should make as much use as possible of the expanded program.

*Even apart from the availability of residential supervision, the Sheriff should review existing criteria and rules so that County Parole could readily be used to release selected prisoners early during a period of jail overcrowding.

IV. SUMMARY OF RECOMMENDATIONS

This report concentrates on areas in which existing services can be rationalized and made more efficient. In some cases, additional services or alternatives are proposed, but the basic assumption has been that the whole corrections system, including alternatives to incarceration, benefits from administrative simplicity. The report does not seek to enumerate all imaginable alternatives, to see if they are available in the County. Rather, the goal is to see if the system "makes sense" and to propose changes or additions which would help it make more sense.

Following is a summary of the major comments and suggestions included in this report:

1. Presentencing alternatives and procedures

The primary concerns in analysis of presentence release practices are keeping release practices as simple and as speedy as possible and eliminating needless blocks to release.

- . Priority should be given to clearing holds and warrants. With "local" warrants, new policies would need to be worked out with the Courts and Sheriff. With "foreign" holds, State law governs many aspects of release procedure. However, administrative means for expediting decisions on clearing the hold or picking up the prisoner may be possible. The Sheriff's Department should explore these possibilities with appropriate State agencies such as the Board of Corrections. The County may also wish to consider some sort of policy such that when the jail capacity reached a certain specified level, the County would only hold persons with outside misdemeanor warrants for a maximum of two days. (See pp. 23-24.)
- . Pretrial release in various categories should be expedited as much as possible. The percentage of misdemeanor arrestees released on citation has decreased from 60 percent in 1976 to 38 percent in 1980. Research on why arrestees are not being cited is currently underway; five days for release of felony OR cases should also be reduced. These are administrative issues to be considered by Detention Facility and CIDS administrators when the new jail has operated for awhile. (See pp. 19, 26-28.)
- . Given the very high proportion of cases in which arrest charges are dropped or reduced prior to arraignment, the feasibility of a systematized, early pretrial case screening function should be studied. This function would be the responsibility of the District Attorney's Office. Further review should be done to identify staffing deployment requirements and costs and to plan out interactions between the prosecution's case screening and an expanded or revised CIDS OR/bail report function. (See pp. 33-34.)

- . A bail referee, authorized to raise or lower bail or grant release on OR, located on-site at County (and possibly city) pretrial facilities, might reduce the amount of time to release on bail and OR. Discussions with Court, Probation, District Attorney, Public Defender, and Sheriff's Department officials regarding this concept is warranted. (See p. 35.)
- . There should be improved access to judges for at least weekend bail/OR decisions. This could be accomplished without great additional expense by more formally scheduled on-call assignments. (See pp. 35-37.)

2. Sentencing and postsentence alternatives

Several issues are related to developing a rational, cost-effective set of corrections programs in a period of severely restricted fiscal resources.

- . The role of probation supervision should be reexamined. It may be that the Probation Department could become more cost effective by making probation, in most cases, simply a status, with no attendant supervision and counseling interactions between probationer and probation officer. If rearrested, probationers would be resentenced on the original charge. But the resources spent on minimal intervention in the meantime would be saved. These savings would, then, presumably be rechanneled into services with greater potential for impact, such as specialized caseloads or client specific planning. Decisions regarding changes in probation duties would need to be discussed with corrections officials and the Courts, since judicial expectations need to be included in defining probation responsibilities. In any event, realism regarding what can be expected from probation supervision should be encouraged. (See pp. 46-49.)
- . The administration of the weekender program should be changed to allow for "day work crews". Weekenders would report for "public service" labor, but would not actually be jailed overnight. This would be a constructive sanction and would reduce expense and inconvenience for the Sheriff's Department. This change, too, should be discussed with the judiciary. Reducing the weekend population may free staff and space for more serious offenders such as State prerelease prisoners. (See pp. 50-51.)
- . Other sentencing options that involve constructive sanctions should also be used as much as possible. For example, a fully developed program for community service orders could build on both the Probation Department's existing program and a weekend day crew structure. This would provide useful services to the County and at the same time serve as a constructive punishment for offenders. (See pp. 50-51.)

There are also recommendations for strengthening the ability of the corrections system to effectively reintegrate prisoners into society.

- . The County work furlough program and eligibility criteria should be reexamined to see if the program can be of greater benefit in providing reentry services. Particularly, the Sheriff should review whether a greater number of job-seekers could be admitted. In addition, job placement, education, and other reentry services and programs would have to be upgraded.

Consideration should also be given to operating the Men's Work Furlough Facility and the Women's Sentenced Facility as a co-ed program. (See pp. 52-54.)

- . Contra Costa County needs a halfway house for offenders. There are some people who are released from jail with no job, money or housing. There are a few residential placement opportunities for offenders with specific problems such as mental illness, but only one for offenders who simply need assistance in getting reestablished in society. Public and private corrections agency staff thought this was a significant gap in County correctional resources. (See pp. 60-61.)
- . County Parole should be reexamined. The current criteria for parole are narrow and do not include the goals of facilitating prisoner reentry into the community. Increased use of County Parole could also be combined with development of a halfway house to temporarily house parolees. (See pp. 55-56.)
- . There are several areas in which joint activities with State and even Federal correctional agencies should be explored. The halfway house could meet reentry needs for State and Federal prisoners, and the combined resources of County, State and Federal agencies could cumulate in providing more substantial programming than any one source could support. Likewise, integrated probation and parole involvement in certain kinds of specialized caseloads--e.g., mentally disturbed clients--might allow for more complete counseling and supervision, as particular skills and resources of each agency were combined into a team. (See pp. 55-56, 60.)

3. Other recommendations

The report touched on several other issues, some that are not within the immediate scope of the Corrections Plan, but which need to be addressed. These include:

- . Police practices need to be clarified in certain respects. Law enforcement and alcoholism program officials should meet to work out improved procedures to gain admittance for police referrals to the detox center in West County. (See p. 9.) Police and County Hospital officials should meet to resolve doubts of law enforcement about taking the mentally ill ("5150's") to County Hospital rather than the jail. (See p. 9.) Finally, all police agencies should adopt an affirmative field citation policy and, to the degree possible, expand the use of field citations. (See pp. 13-15.)
- . Several programs generating management reports should be developed by the Law and Justice System Project staff. Specifically, these programs should retrieve information on Failure to Appear (FTA) rates for various forms of pretrial release; on the number and type of offenders rearrested in the County; and on "court delays" in the processing of cases, particularly those in which the defendant is in custody; for analysis by criminal justice system administrators and Criminal Justice Agency staff. (See pp. 37 - 39.)

The previously described reports will provide some of the information necessary to continually monitor and update the Correctional Facilities Master Plan. The monitoring process to be recommended follows closely the process developed in preparing the Master Plan. Criminal Justice Agency staff should be responsible for collecting the identified data and analyzing and updating the Plan. Update reports should also be reviewed by the Correctional and Detention Services Advisory Commission.

The importance of continually monitoring the detention system is best illustrated by the capacity situation at the new County Detention Facility. Population data for arriving at a capacity decision for the new facility was collected in 1975-1976. Since that time, no further monitoring or analysis has been accomplished to determine if any significant changes in the population have occurred. The capacity was projected to be adequate until 1985. As of the beginning of 1981, the facility is full. Because the earlier population data base was not continually kept up, it is much more difficult and time consuming to determine at this point what changes have occurred that have led to the unanticipated population increase.

In order to effectively monitor detention capacity requirements, some standards regarding incarceration and release from custody should be established.

The County has established a broad adult incarceration policy: "the maximum use of cost effective alternatives to incarceration, consistent with public safety, and where such alternatives are not adopted, the constitutional, secure, and humane detention of arrested persons who cannot be released, and the reduction of recidivism through the provision of cost effective health and social services."* It is appropriate at this juncture to obtain agreement on the specific baseline data which will serve as the basis for future evaluation of whether or not the County is maximizing the use of cost effective alternatives as well as other changes in system procedures which impact on detention capacity.

It seems appropriate to use the data from March 1980 as the baseline data for future monitoring. The 1980 data reflects the current trend toward more severe sanctions for criminal offenders, but also (due to the lack of facility options) reflects strong use of alternatives to incarceration. (Although there are recommendations contained in this report to reduce the amount of time for certain release mechanisms, the current rates are well within the times experienced in other jurisdictions.)

A few key procedures should be monitored as they have the most significant impact on detention capacity:

- 1 - Own recognizance (see Table 7, p. 20).
2. Citation release (including field citations) (see Table 4, p. 11 and Table 7, p. 20).

*Resolution Number 79/909, September 11, 1979, p. 2.

- 3 - Charges dropped (849b) (see Table 11, p. 43).
- 4 - Charges reduced from felony to misdemeanor (see Table 11, p. 43).
- 5 - Numbers held for other jurisdictions by State Parole holds and others (see Table 7, p. 20).

The Law and Justice Information System allows for the retrieval of the necessary data to monitor these procedures. If there is a significant change in the numbers or times to release, further research as to the causes and effects may be warranted.

UPDATE TO PHASE II - ALTERNATIVES TO ADULT INCARCERATION

January 1982 Profile Data on State and County Jail Commitments
from Contra Costa County

UPDATE

to

ALTERNATIVES TO ADULT INCARCERATION: March 1981

PROFILE DATA ON STATE AND COUNTY JAIL
COMMITMENTS FROM CONTRA COSTA COUNTY

Abstract

Profile information was collected on a sample of persons who were charged with felonies and were committed from Contra Costa County to the California Department of Corrections, the California Youth Authority (through adult court) and the County corrections system.

The information was gathered to test the generally accepted hypothesis that the type of inmate committed to County jail is different from the type of inmate committed to State prison. The data was also collected for potential use in designing programs at County facilities, i.e., the Rehabilitation Center and the Work Furlough Center, housing both State and County prisoners. The State and County prisoner samples were compared on such variables as age, sex, offense, prior convictions, to determine if there were significant differences between the two groups. As expected, the State prison sample contained far more individuals with multiple prior felony convictions. Only 14.6 percent of the State inmates had no previous felony record, whereas 61.4 percent of the County inmates were without previous felony records. An almost equal percentage of people were charged with property-related offenses in each group. However, a much larger proportion of the State prison group (43.4%) than the County jail group (25.2%) was charged with crimes against persons.

I. Methodology

The sample of State and County prisoners consisted of persons convicted and sentenced in Contra Costa County Superior Court in 1980. All were charged with felonies. Convictions, however, could have been reduced to a lesser felony or a misdemeanor (as was the case with fifty (50) of the County jail persons in the sample).

The sample selection began with December sentences and worked backwards through the year until there were 200 persons in each sample. Cases from all twelve (12) months were used to reach the 202 County jail cases and the 205 State prison cases. The County jail sample was selected from Probation Department records which included all persons sentenced in Superior Court with sentences of over 40 days. The 202 County jail cases were 12 percent of the total number of such cases (1,752) processed in 1980. The State prison sample represented 70 percent of the number of State prison commitments (294) in 1980. There were also 44 persons in the State sample who were committed to the California Youth Authority from adult Superior Court. This was 50 percent of the total number of commitments (88) to CYA from adult court in 1980.

Information obtained on each person in the sample included: age, sex, race, charged offense(s), conviction offense(s), method of conviction, prior record, and sentence.

For County jail prisoners, probation often accompanied the jail term. For these cases, the actual probation term was also recorded. Where individuals were sentenced to County jail only, the cases were categorized as "jail sentence/terminated upon release" (TUR).

II. Sources and Procedure

All information was obtained through records of the Contra Costa County Probation Department, Adult Division. The Felony Investigation Unit, Martinez Office, maintains monthly records of all State prison commitments. The Jail Liaison Unit, Martinez, keeps records of County jail commitments (sentences of 40 days or more).

The data on individuals in the County sample was obtained from probation files. Individual case files were located through Master Records and the Flex-O-Lines at each of the probation offices. The files on all persons terminated upon release from the County facilities were located in Master Records. All files for State prison commitments were also located in Master Records.

III. Data Analysis

- A. Age: County sample - 26.67 years
State sample - 26.72 years

There was no significant difference in average age between the two groups. The distribution of age between the two populations was as follows:

<u>AGE</u>	<u>COUNTY</u> <u>Number of Persons</u>	<u>STATE</u> <u>Number of Persons</u>
0 - 19 years	25	35
20 - 24 years	80	55
25 - 29 years	48	59
30 - 34 years	17	28
35 - 39 years	16	11
40 years and over	<u>16</u>	<u>17</u>
Total	202	205

B. Sex:

	<u>Male</u>		<u>Female</u>	
	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>
County	89.6%	181	10.4%	21
State	94.1%	193	5.9%	12

There were approximately 5 percent more males in the State group than in the County group.

C. Method of Conviction

	Pre-Plea 131.3PC	Plea	Jury Trial	Court Trial	Negotiated 1192.5PC	Total
County	55.0 (111)	33.6 (68)	8.4 (17)	1.5 (3)	1.5 (3)	100 (202)
State	28.8 (59)	45.9 (94)	23.9 (49)	0.9 (2)	0.5 (1)	100 (205)

Note: Figures represent the percent and number of people in each category.

1. Plea and pre-plea were the most frequent methods of conviction for both groups. However, over half (55.0%) of the County sample were convicted under 131.3PC (pre-plea) whereas slightly over one-quarter (28.8%) of the State group were convicted by means of this process.
2. The most frequent method of conviction for the State group was plea (45.9%). Approximately one-third of the County group were convicted using this method.
3. Nearly one-quarter (23.9%) of the State prison group had jury trials, but only 8.4 percent of the County jail group had a jury trial.

D. Average Sentence in Months

	Jail + Probation	Jail Only	Total
County	7.7 (187)	9.0 (15)	7.8 (202)
State*	N/A	N/A	41.0 (197)

Note: Figures in parentheses represent the number of cases in each group.

*State figures do not include six persons with life sentences and two persons whose length of sentence was unknown.

1. For both groups of County inmates, the average sentence was less than one year. For the State prison inmates, the average sentence was approximately 3½ years.
2. The County jail sentences ranged from 2 months to 12 months. The State prison sentences ranged from 12 months to 216 months (18 years) excluding the six life sentences.

E. Number of Prior Felony Convictions

		Prior Convictions					Total
		0	1	2	3	4 or more	
County		61.4(124)	15.8(32)	14.3(29)	5.0(10)	3.0(6)	100 (202)
State		14.6(30)	14.1(29)	13.7(28)	11.7(24)	45.4(93)	100 (205)

Note: Figures reported are the percent and number of persons in each category.

1. As expected, the State prison group contained far more individuals with multiple prior felony convictions. Only 14.6 percent of the State inmates had no previous felony record, whereas 61.4 percent of the County inmates were without previous felony records.
2. Fifty-seven percent of the State group had three or more prior felony convictions, but only eight percent of the County group had three or more previous felony convictions.

F. Ethnic Breakdown of County Jail and State Prison Groups

		White	Black	Chicano	Other	Total
County		54.4 (110)	33.7 (68)	11.4 (23)	0.5 (1)	100 (202)
State		45.8 (94)	45.4 (93)	7.3 (15)	1.5 (3)	100 (205)

Note: Figures reported are the percent and number of persons in each category.

1. A majority of the County jail group was white (54.4%) and an additional third (33.7%) was black. There was an almost equal percentage of black and white inmates in the State prison group.
2. The County group had a somewhat higher percentage of Chicanos, but the numbers were not large enough to be of particular significance.

G. Felony Offenses Charged

		Property	Crimes Against Persons	Substance Abuse	Traffic Violations	Other	Total
County		51.0 (103)	25.2 (51)	17.3 (35)	4.5 (9)	2.0 (4)	100 (202)
State		49.3 (101)	43.4 (89)	3.4 (7)	----	3.9 (8)	100 (205)

Note: Figures reported are the percent and number of persons in each category.

For multiple charges, the most severe charge was counted.
There were no misdemeanors charged.

1. An almost equal percentage of people were charged with property related offenses in each group. However, a much larger proportion of the State prison group (43.4%) than the County jail group (25.2%) was charged with crimes against persons.
2. A much larger proportion of the County jail group (17.3%) was charged with offenses related to substance abuse than the State group (3.4%). (3.4%).
3. Not surprisingly, no one was sent to State prison for traffic violations, but nine people in the County jail group were there as a result of traffic related offenses.

H. Conviction Offenses

	Property		Crimes Against Persons		Substance Abuse		Traffic Violations		Other		Total	
	Misd.	Felony	Misd.	Felony	Misd.	Felony	M	Felony	Misd.	Felony	Misd.	Felony
County	14.4 (29)	37.1 (75)	2.5 (5)	20.8 (42)	5.9 (12)	11.9 (24)	-	4.5 (9)	2.0 (4)	1.0 (2)	24.8 (50)	75.2 (152)
State	--	51.7 (106)	--	41.0 (84)	--	2.4 (5)	-	--	--	4.9 (10)	--	100 (205)

Note: Figures reported are the percent and number of persons in each category.

1. Everyone in each group was charged with a felony. However, one-quarter of the County jail group was actually convicted of misdemeanor offenses. None of the State prison group (obviously) had their offenses reduced to misdemeanors, although offenders may have been convicted of a lesser felony offense than originally charged.
2. Among the County group, one-third of the substance abuse charges and approximately one-fourth of the property related offenses were reduced to misdemeanors. However, there was not a similar tendency to reduce the charges on crimes against persons.

I. Type of Prior Convictions

	Prior Misdemeanor Convictions	Prior Felony Convictions				
		Property	Persons	Substance Abuse	Traffic	Other
County	65.8 (133)	24.3 (49)	11.4 (23)	3.0 (6)	1.5 (3)	2.5 (5)
State	82.4 (169)	70.2 (144)	37.1 (76)	16.1 (33)	1.0 (2)	16.1 (33)

Note: Percentages total more than 100 percent because individuals may have multiple prior convictions.

1. State prison group has at least three times as many prior felony convictions in all categories except traffic violations.
2. State group also significantly exceeds the County group in prior misdemeanor convictions, although not by the same three to one margin.

J. Average Length of Sentence by Sex and Type of Offense Charged

	Property		Crimes Against Persons		Substance Abuse		Traffic Violations		Other		Total	
	Female	Male	Female	Male	Female	Male	Female	Male	F	Male	Female	Male
County	6.3(16)	7.6(87)	4.0 (1)	8.7(50)	6.0(3)	7.0(32)	4.0(1)	6.9(8)	-	7.8(4)	6.3(21)	7.9(181)
State	24.0(9)	27.6(92)	30.0*(2)	78.8*(80)	--	34.8(7)	--	--	-	27.6(7)	25.1*(11)	42* (186)

Note: Length of sentence is reported in months. The numbers in parentheses represent the number of persons in each category.

* One female and five males received life sentences and are not included in the average.

1. In all cases, women receive lesser sentences.
2. An overwhelming majority of the women in both groups were involved in crimes related to property. While this is also the most frequent type of crime among the men, they also show a significant incidence of crimes against persons and, to a somewhat lesser degree, substance abuse.

K. Average Length of Sentence for Burglary Convictions by Sex

	<u>Females</u>	<u>Males</u>
County	9.3 months (8)	8 months (53)
State	27.6 months (4)	42.2 months (79)

Note: The numbers in parentheses represent the number of persons in each category.

1. There is an interesting reversal of the sentencing pattern for women sentenced to County jail for burglary--the women's average length of sentence is greater than the men's average length of sentence.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE II

HEALTH CARE AND CRIMINAL JUSTICE

February 1981

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I. MENTALLY ILL OFFENDERS

A. Scope and Nature of the Problem

Throughout California, mentally ill offenders present special and growing problems for the criminal justice system. This is true, also, in Contra Costa County. Although reliable data are not available about the number and nature of mental disorders among the offender population, it is clear that the County's overall resources for responding to this group of defendants and prisoners are strained.* There are few mental health facilities and resources available to the mentally disordered criminal justice population, and officials within the criminal justice system are sensitive to their own lack of training for response to persons with mental problems.**

The problem is multifaceted. The Lanterman-Petris-Short Act (LPS) of 1968 is one major source of the "criminalization of the mentally ill". That act had the practical effects of making involuntary hospitalization more difficult to accomplish and created an impetus to shift the location of treatment from state hospitals to community based programs.*** During the 1970's, it became increasingly difficult for Contra Costa and other counties to place offenders (and others) in Napa State Hospital for treatment. The funding to provide the needed services at the community level to this population did not materialize. Also, involuntary commitments in the County became more difficult to obtain. The result is that mentally disordered persons who might, in the past, have been channeled into mental health services or facilities, are appearing in greater numbers, as offenders, in the criminal justice system. Often these are for relatively minor offenses such as misdemeanor assaults and thefts.****

Moreover, with less access to Napa State Hospital, the County has been forced to rely more and more upon its own resources in treating offenders who manifest mental and emotional disturbances.

*The Chief of Criminal Justice Health Services believes that 3-5% of the jail population are in grave need of hospital care and that an additional 10-15% of the jail population are stabilized mentally disordered who need separate housing and day treatment within the jail.

**These attitudes were expressed repeatedly in interviews. In addition, officials from all criminal justice agencies expressed their concerns and doubts in the "Western County Mini-Conference of the Mentally Ill Offender: A Multi-Disciplinary Approach", April 23, 1980.

***This change and its effects are described in Gary Whitmer, "From Hospitals to Jails: The Fate of California's Deinstitutionalized Mentally Ill", American Journal of Orthopsychiatry, January 1980, pp.65-75.

****This, at least, is the pattern in California generally. See Whitmer, p. 66.

The consequence is that there appears to be a relatively distinct group who shuttle back and forth between mental health and criminal justice interventions. A study of a group of 500 of San Francisco's mentally disordered offenders showed that all had prior histories of psychiatric treatment. A smaller study in Contra Costa County showed that nearly 90 percent of a group of 66 offenders with mental health problems had had prior contact with the mental health system.*

The Contra Costa County Department of Health Services's Mental Health Division is preparing a comprehensive plan for mental health services for the criminal justice population to be conducted in 1981. That plan should address several of the following topics in considerably more detail. In this Corrections Master Plan report, three main areas of discussion are included: the availability of mental health resources for referrals from criminal justice agencies; the availability of mental health services within the criminal justice system; and mechanisms or procedures for coordination and referral between the criminal justice and mental health systems.

B. Availability of Mental Health Resources Outside the Criminal Justice System

The existing resources and issues in the mental health care and treatment for the criminal justice population are summarized below. The primary concern, in criminal justice, is whether these resources are available for referrals by judges and corrections officials (including probation officers).

(1) County Hospital

Inpatient mental health resources at the County Hospital include: "E" Ward for crisis intervention treatment for periods of up to 24 hours; "J" Ward for treatment and evaluation of voluntary and involuntary commitments of up to 72 hours; and "I" Ward which provides longer term treatment for specially selected patients. In addition, outpatient services are provided.

"J" and "E" Wards are the focus of greatest attention in regard to detention practices and requirements for the County. Law enforcement officers bring "5150's" to E Ward for evaluation, and prisoners who begin "decompensating" while they are in the jail are also brought to E Ward for evaluation. Some of these referrals are hospitalized in J Ward. The Mental Health Component Director estimated that only 20 percent of the referrals from the County Detention Facility were hospitalized due to lack of bed space for prisoners. From July 1979 to June 1980, there were 717 admissions of involuntary referrals from law enforcement including 137 from the County Jail. County Jail prisoners spent a total of 448 days at J Ward, and nine days

*Whitmer, p. 67. The Contra Costa study was cited in a report, "Comprehensive Health Services for Jail Inmates", the County Subvention Program. (Quarterly Progress Report, October 14, 1980.)

**"5150" refers to involuntary commitment for up to 72 hours in an authorized mental health facility for evaluation of whether an individual is "gravely disabled" or poses a "danger to self or others".

***"Decompensating" describes a person moving toward a psychotic break.

at I Ward. There was an average of 1.3 per day County Jail referrals in inpatient status at the County Hospital during 1979-80. This treatment is free of charge to the Sheriff's Department, unlike medical services at the County Hospital for which the Sheriff's Department pays a fee per patient day. The Director of the Division of Alcohol/Drug Abuse/Mental Health Services estimates that the annual cost of providing J Ward mental health services to County Jail prisoners is approximately \$200,000.

Issues regarding the use of the County Hospital for prisoners and other criminal justice referrals include:

Costs: there is disagreement regarding whether the Sheriff's Department should reimburse the County Hospital for costs of mental health treatment.

Security and public safety: mental health professionals object to security measures in the Hospital as antitherapeutic, while law enforcement and corrections officials worry that premature release of evaluation referrals or inadequate security for incustody patients will endanger the offender/patient and the community. In the Spring of 1981, Contra Costa County plans to begin a contract with Alameda County for four secure "beds" at Highland Hospital for inpatient treatment of highly disturbed incustody inmates. The problems with the County Hospital in Martinez may be eased when this contract starts.

Impact on J Ward: Criminal justice clients have, in the past, posed a danger to other patients being held in J Ward. This raises the question of the reasonableness of mixing the criminal justice population with the general population. J Ward is also often at or over capacity, particularly with reference to security beds, which is where criminal justice clients are housed.

(2) Resources Other than County Hospital

There are important deficiencies in resources for the criminal justice population across the entire continuum of community mental health services, from outpatient counseling to locked psychiatric facilities. These deficiencies occur, though, for different reasons. In some instances, they occur because the services are not available at all; in other cases, the services are available primarily from private providers who are reluctant to take criminal justice referrals. Following are some major problem areas as noted in interviews with judges, probation officers, and mental health officials.

A "L" Facility - a securely locked treatment facility for seriously disturbed individuals - was given high priority by criminal justice officials. There are no such facilities in the County. (Mental health officials noted that a full continuum of services would include such a L facility for the County, but some of the mental health officials interviewed were inclined to give less emphasis to this problem than were criminal justice officials.) There is, more generally, a lack of inpatient treatment facilities in the County, both locked and non-secure facilities.

FIGURE 1: INPATIENT FACILITIES FOR MENTALLY DISORDERED
IN CONTRA COSTA COUNTY



- 1) Continuing Care: Makes referrals/placements of Napa State Hospital and County Hospital releases. Not itself a residential facility.
- 2) Nyumba Chuki: Psychiatric halfway house for minorities, ages 18-35.
- 3) "PAC" House (People Accomplishing Change): Licensed psychiatric treatment facility for schizophrenic adults. Highly structured treatment plans; 12 beds.

- 4) Phoenix House: Halfway house for emotionally disturbed young adults.
- 5) Walnut Creek Hospital: General psychiatric hospital for persons from age 12 up. This private hospital charges \$200 per day for treatment.

Figure 1 shows the facilities in the County listed by Probation Department Resource Officers as potentially accepting mentally disordered criminal justice referrals once they are released from custody. According to the Probation Department sources, there are only four facilities in the County, in addition to the County Hospital, that provide residential treatment. These facilities are, moreover, severely limited in their usefulness for criminal justice referrals; they involve stringent eligibility criteria (Nyumba Chuki, PAC House, and Phoenix House*) or high costs (Walnut Creek Hospital). A further difficulty is that in order to guarantee payment (through public funds), many facilities require that referrals be "conservatorships." This complicates the referrals. (See Section D of this report.) J Ward, at the County Hospital, is the only resource for incustody mental health referrals.

Given the lack of inpatient treatment resources, criminal justice referrals must often go outside the County. This sometimes interferes with the quality of patient care. The patient is distanced from family and familiar surroundings, both of which may be essential to lasting success in counseling. The level of supervision by probation officers is also often reduced when probationers are placed out of the County. Although complete information about residential placements is not available, it is clear that many offenders are referred to San Francisco and Alameda Counties. In addition, facilities in Stockton, Merced, and San Jose are reportedly used frequently.

Mental health officials believe that careful attention should be given to developing outpatient clinic resources suitable for the criminal justice population. There are a large number of private counseling clinics, but these are not typically available for criminal justice clientele. Arranging for fees and payments is a problem. Moreover, many mental health professionals remain reluctant to work with clients under active criminal justice supervision; involuntary referrals are regarded as less amenable to treatment, and mental health workers are often unwilling to share client information with the clients' probation officer. Finally, many counseling clinics specialize in particular kinds of problems; criminal justice clients often present, on the contrary, a complex combination of several emotional and other problems. It is not surprising, thus, that "private providers take the easier cases and the more difficult cases remain with the public sector," as noted by one County mental health official. There are currently only four and a half outpatient clinicians at the County Hospital, 10.5 therapists in East County and 13 therapists in Richmond.

Mental health services specifically tailored to the criminal justice population are a low priority for the Mental Health

* Phoenix House has also been the subject of controversy with criticisms of the quality of staff and concerns about crimes committed in the facility. It is likely that until these doubts or concerns are erased, criminal justice referrals will be minimal. See: Contra Costa Times, Dec. 24, 1980, p. 3A.

Division. Thus, the "L" facility strongly desired by criminal justice officials is a low priority in mental health planning. Higher priority is given, by mental health planners, to services for children, for geriatric clients, and for the chronically mentally ill. One reason for this is that monies are more readily available for these groups. Mental health administrators have made a commitment to reduce the County's contribution to the mental health budget to 10 percent over the next two years (it is currently 22-26%). This reduction will obviously make the County more dependent on monies available from state and federal sources. These monies tend to be categorical monies, earmarked for particular services or groups. Overall, the County's \$14 million mental health budget is not likely to grow significantly in the near future, according to the Division Director; moreover, the money available will be less flexible as its source shifts from County to State and federal levels of government.

(3) Issues for Further Consideration

Several major issues or "agenda items" in developing community resources for offenders' mental health services are listed below:

- + The comprehensive plan for mental health services to the criminal justice population should include corrections and other criminal justice input, so that a careful and professionally designated set of service priorities can be developed. From interviews with judges, probation officers, and officials in mental health services, several areas were noted in which there was need for additional resources. These include secure inpatient psychiatric beds (a "L" facility) in the County; subacute residential facility offering modest levels of supervision and treatment for persons preparing to return to the community following a period of hospitalization; outpatient counseling for criminal justice referrals and "multi-problem" cases (who have not only mental health problems, but also substance abuse problems); decentralized crisis intervention units particularly in West County. Forensic training and/or experience is needed for staff working in outpatient clinics and residential programs that come in contact with the criminal justice population.

- + In addition to increased resources for offenders' mental health services, attention should be given to ways in which access to existing resources can be improved. In particular, reluctance by private providers to accept criminal justice referrals should be addressed. Financial incentives to encourage acceptance of this population should be explored. The needs and expectations of probation officers should be clarified, in coordination with both private and public mental health providers. (These issues of linkages between criminal justice and mental health systems are discussed further in the following sections.)

- + Discussions are needed regarding who should be responsible (i.e., the Sheriff's Department or Health Services) for decisions regarding mental health programs for the detention and corrections population. What is the appropriate relationship between criminal justice and mental health officials in the overall provision of mental health services?

II. HEALTH SERVICES IN THE CRIMINAL JUSTICE SYSTEM

Currently, the Criminal Justice Health Services Program is the major source of health services within the criminal justice system. Figure 2 displays the organizational structure of this program. Table 1 summarizes the funding and staffing of this program.

The Criminal Justice Health Services Program affords a variety of services, not only mental health care but also medical and dental care and substance abuse counseling. The program, excluding medical and dental services, is funded almost entirely from special grant funds, so its funding future is highly uncertain. Many of the components are only partially operative at the time this report is written; full services will begin when the new jail is completely operational. Brief descriptions of the components of the Criminal Justice Health Services Program follow.

A. Community Services-Mentally Ill Offender Program

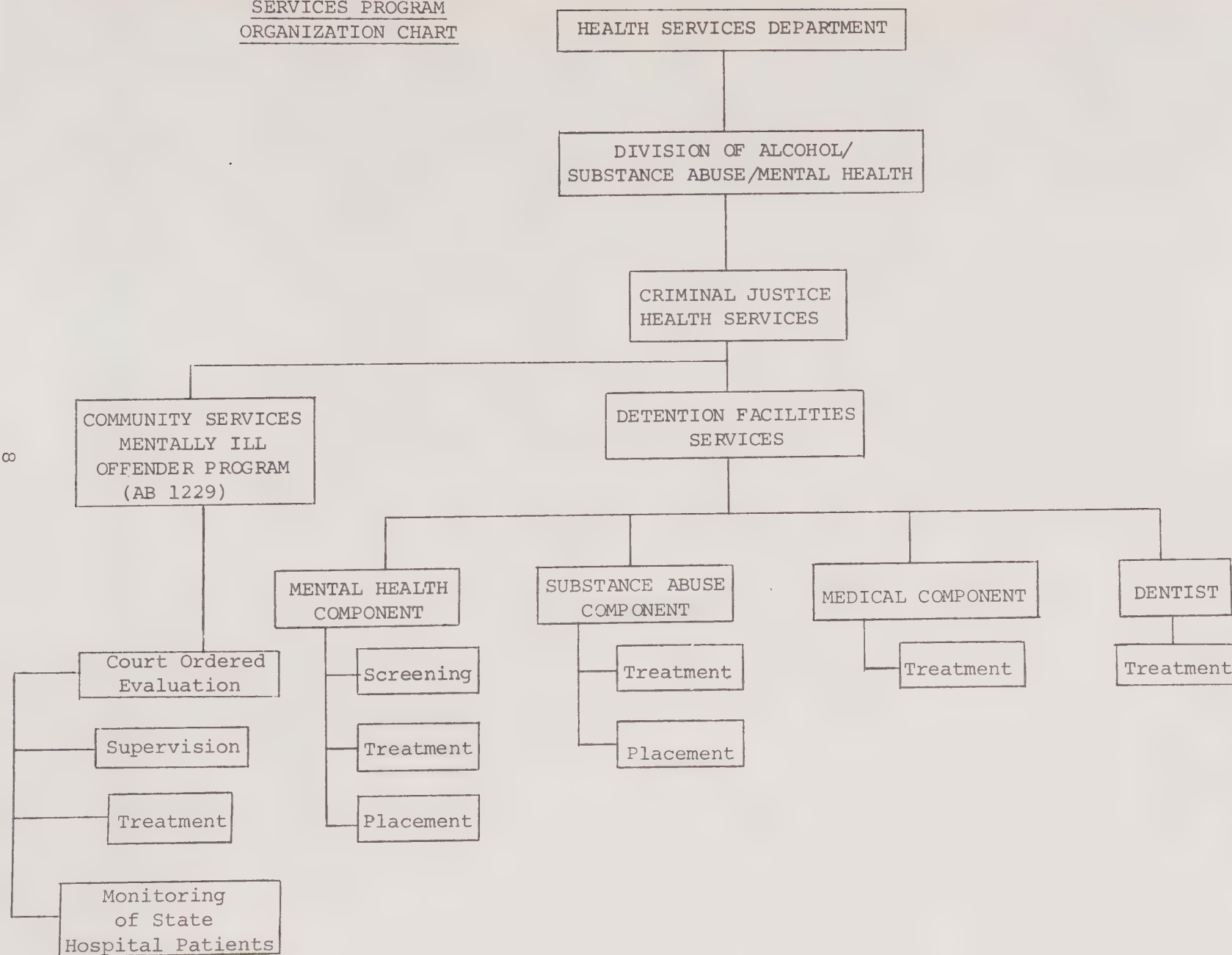
This unit is for mentally ill offenders who have been found not guilty by reason of insanity (PC 1026), or who have been declared incompetent to stand trial (PC 1370), or who have been declared mentally disordered sex offenders (MDSO's) (W&IC 6300). Contra Costa County received approximately \$106,000 in AB 1229 funds--a special category of Short/Doyle monies earmarked for the above categories of persons--to conduct evaluations for the courts regarding the appropriateness of community placements and to monitor Napa and Atascadero State Hospital patients returning to the County for outpatient community treatment. At the end of 1980, there were 14 such clients in community placements. In addition, the AB 1229 unit is monitoring approximately 70 potential community placements now in state hospitals.*

Although the unit does recommend community treatment of offenders who have committed violent offenses, statutory requirements are that, at the time of placement, the potential outpatients are not a danger to the health and safety of others. An offender on outpatient status receives supervision and treatment by specially trained forensic staff. Since the inception of the program (in 1978), no community placements have reoffended, according to the previously cited report submitted to the Board of Supervisors. AB 1229 funds cannot be used for persons in jail or under probation or parole supervision; however, they provide for rational "after-care" (supervision and treatment) or case management for that relatively limited group of defendants who are found not guilty by reason of insanity, declared incompetent to stand trial or declared mentally disordered sex offenders, but nonetheless are found in need of continuing mental health treatment and supervision.

*"Report to the Board of Supervisors Regarding Individuals with a History of Mental Illness Who Commit Violent Crimes", prepared by Dixie Moore, John Kincaid, Marion Goodman, Criminal Justice Health Services Program.

FIGURE 2: CRIMINAL JUSTICE HEALTH

SERVICES PROGRAM
ORGANIZATION CHART



CRIMINAL JUSTICE HEALTH SERVICES
Funding and Staffing for 1980-81

Organizational Unit	Staff	Funding
Administration	1 FT Criminal Justice Health Services Chief	50% Medical Budget (reimbursed Sheriff-County)
Budget for administration included in costs indicated below		25% Short-Doyle for AB 1229 Program only
		25% AB 90
	.5 ITC	25% Medical Budget
		25% Short-Doyle-AB 1229
	.5 Program Research Technician	12.5% Medical Budget
		12.5% Short-Doyle-AB 1229
		25% AB 90
Community Services - Mentally Ill Offender Program (AB 1229)	1 FT Clinical Psychologist	Short-Doyle - AB 1229
	1.5 Clinical Social Worker	Short-Doyle - AB 1229
	.1 Psychiatrist	Short-Doyle - AB 1229
\$106,412	.5 ITC	Short-Doyle - AB 1229
Detention Facilities Health Services*		
1) Mental Health Component	.5 Psychiatrist	AB 90
\$117,697 AB 90	1 FT Clinical Psychologist	AB 90
	6 FT Mental Health Treatment Specialists	2 funded AB 90
\$ 83,300 OCJP-SDMH	1 FT ITC	4 funded SDMH - OCJP
		AB 90
2) Substance Abuse Component	1 FT Clinical Psychologist	LEAA
\$ 58,000 for 1980-81 (from \$100,000 LEAA grant)	2 Drug Rehabilitation Worker II	LEAA
3) Medical Component	1 FT Physician	County Funds/Sheriff's Budget
\$442,000	1 FNP/Supervising Nurse	County Funds/Sheriff's Budget
	6 Registered Nurses	County Funds/Sheriff's Budget
	5 LVN's	County Funds/Sheriff's Budget
	1 ITC	County Funds/Sheriff's Budget
	.5 Dentist	County Funds/Sheriff's Budget

* Serves the Detention Facility, Rehabilitation Center, Men's Work Furlough Facility and Women's Sentenced Facility.

B. Mental Health Component

The Mental Health Component has three primary activities: screening and then treatment of primarily pretrial inmates with observed mental disorders in the County Detention Facility (including self and staff referrals), and community placement planning for mental health clients about to leave the facility.

The screening and treatment components have not really begun, as of the beginning of 1981. The treatment team is just being hired, in anticipation of the full operation of the new jail. There is, currently, no direct therapy being offered to prisoners, aside from the counseling offered to clients returning to the community. When the new jail is operational, there are plans for (voluntary) screening of prisoners in the Intake Module who are unknown to jail personnel within the first 72 hours of detention. Voluntary treatment services will be available in the Medical Module. Services will also be available to persons who have been treated in the Medical Module but need to be monitored while housed elsewhere in the jail. Health Services also has a contract with Suicide Prevention to do crisis counseling in the general housing modules. Suicide Prevention volunteers will be supervised by Criminal Justice Health Services staff.

Twenty beds in the Medical Module of the jail have been allocated to mentally disturbed prisoners. Concern has been voiced by mental health staff regarding the design of this module for mentally disturbed inmates. The module is two stories (it was originally conceived as a medical module only) which may present some control problems. The mental health beds can only, however, be used in providing mental health care for voluntary referrals; inmates who meet the criteria for involuntary treatment must be transferred to an appropriate mental health facility (i.e., J Ward). This is one reason that some mental health officials advocate certification of the jail as a "5150" facility. (This position is not shared by all mental health personnel. The Director of the Division of Alcohol/Drug Abuse/Mental Health Services believes strongly that the jail is not an appropriate facility for treating severely disturbed or "decompensating" individuals and does not support making the jail a 5150 facility.

Although technically distinct, the treatment and reentry functions are closely fused in operations. Both activities are funded through a combination of State Department of Mental Health and AB 90 monies, and both are largely oriented to pretrial prisoners. The mental health staff do not plan to go to the Rehabilitation Center to provide services. Inmates are referred by the R.N. or Substance Abuse Team to the County Detention Facility. In actual service delivery, the philosophy will stress both treatment and community placement with followup. The Mental Health Services Component Director believes that such a "community mental health model" is especially appropriate for a pretrial facility.

The community placement component that is currently operative has an average caseload of approximately 20 clients, almost all of whom are pretrial prisoners. These clients are provided some minimal treatment

services, such as medication, but emphasis is on developing placements in the community, typically in some residential facility, whether a locked psychiatric facility or a board and care home. In the first year of operation, 145 clients were admitted to the mental health component. The primary diagnoses at admission were schizophrenic (43%) and "borderline personality" (37%).* In a study conducted by component staff of 28 clients, over 80 percent accepted community placements. The greatest portion were placed in residential mental health treatment facilities; about one-fourth of the clients accepted a placement with outpatient services. The Director of the Mental Health Component indicated that the staff was able to adequately meet the service requests of the Sheriff's Department; however, he thought it would be more difficult to provide all of the clinically indicated services.

In community placements, staff work directly with supervising probation deputies; this relationship includes making initial placements (for which the jail mental health personnel can ease community mental health providers' reluctance to accept criminal justice referrals) and in conducting six-month followups.

C. Substance Abuse Component

The Substance Abuse Component (which is supported by LEAA discretionary money) is smaller than the Mental Health Unit, but provides alcohol and drug abuse treatment services for all of Contra Costa County's detention facilities. Treatment services are integrated with the Medical and Mental Health Units.

Participation by inmates is voluntary and referrals for service are interviewed by a staff person. All referrals are responded to on a priority basis, i.e., (1) medical unit, (2) mental health unit, (3) self referrals, (4) custody staff, (5) family, and other. Much of the treatment involves crisis intervention counseling with referrals to community agencies if possible, since the majority of prisoners are released from custody in less than 30 days. Weekly group and individual counseling in conjunction with a treatment plan are provided for prisoners in custody for a period of more than 30 days.

The program was initiated in April, 1980 by the end of the year, 108 prisoners had participated in the program with 60 prisoners being provided ongoing services through weekly group and individual counseling.

Working with Probation Jail Liaison Officers and other agencies, the Substance Abuse staff assist the prisoner to plan and design programs for continuing care following release from jail. Component officials estimate that 90 percent or more of their clients are on probation when released. Cooperation with resource probation officers has been good. Coordination issues regarding placement plans and continuing care opportunities are currently being discussed with the supervising probation officials who ultimately are responsible for assigning field supervision for each released probationer.

*Schizophrenic - condition characterized by loss of contact with reality.
Borderline personality - person appears psychotic sometimes and is frequently disruptive.

Alcoholics Anonymous provided crisis intervention counseling on a weekly basis at the old Main Jail, conducted a weekly evening session at the Rehabilitation Center in addition to a monthly contact with the two Richmond facilities. A representative of the Veterans Administration also visited the Main Jail to conduct interviews with inmates who are veterans to discuss benefits, medical needs, inpatient drug program information and referrals. Viet Nam veterans who may have been exposed to Agent Orange are also identified and counseled.

The Substance Abuse staff is working with these community agencies to coordinate substance abuse services to inmates.

D. Medical Services

Emergency medical care is provided to inmates in all of the Sheriff's institutions. The medical staff includes a fulltime physician, supervising nurse, five registered nurses, five licensed vocational nurses, and a half-time dentist. A fulltime intermediate typist-clerk is assigned to the medical unit. The medical component is funded through County funds.

General nursing care is available at the County Detention Facility 24 hours a day, seven days a week. Inmates are screened initially at intake by the booking officer. Booking officers have also been trained to identify obvious medical, mental health and/or substance abuse problems. Referrals will be made either to County Hospital or the Medical Module. Inmates are referred to medical care by personal request or by a deputy referral for medical complaints. Routine sick call is held three days a week and lists are available for signup on each module. A (voluntary) medical screening physical exam will be provided to all inmates within 14 days. Referral will be made to County Hospital when appropriate. Presently, there are ten beds in the Medical Module for inmates recovering from medical problems who otherwise would have to be housed at County Hospital.

There is a registered nurse at the Rehabilitation Center five days a week, and a licensed vocational nurse eight hours a day on the weekends. A physician or a family nurse practitioner visits the Center once a week. At other times inmates are transferred to the clinic in the Medical Module at the County Detention Facility.

A physician visits the Men's Work Furlough Facility and the Women's Sentenced Facility every Monday evening for four hours. A licensed vocational nurse follows up on the physician's orders each Tuesday morning.

Dental services are available to inmates in all facilities. Services will be provided only at the County Detention Facility and inmates from the other facilities will be transported to Martinez. Services will be provided on a self-referral basis.

E. Issues for Further Consideration

The various sources of special funding for the Criminal Justice Health Services Program (excluding medical and dental) end June 30, 1981. In decisions regarding future funding, several considerations are relevant:

+ Each activity in the program should be examined to ascertain whether it is cost-effective. Mental health screening of prisoners may, for example, be an expensive service; savings from reduced screening might be redirected to direct treatment services. Decision-makers will need to get from the Criminal Justice Health Services Program data on: what percentage of the jail population is served; what kinds of prisoners are served (by adjudicated status and by type of mental health problem); and what service programs entail (in terms of numbers of staff hours per type of activity). County decision-makers assume that the resources allocated to the Criminal Justice Health Services Program are adequate to meet the medical and mental health (including substance abuse) needs of the County detention and corrections population. The above outlined data is required to review that assumption.

+ In many jurisdictions, mental health and other counseling services are provided by contracts with private providers rather than by public agency units. The relative cost/benefits of the private and public provider approaches should be examined by Sheriff's Department staff.

+ Duplication of efforts should be avoided. Reentry and community placement activities are also provided by Probation Department staff and Public Defender Liaison Officers, as well as the Criminal Justice Health Services Program and other mental health personnel. Potential consolidation of some of these activities should be studied.

More generally, the location of various mental health screening and treatment activities for the criminal justice population should be systematically reviewed. It is necessary to determine the appropriateness of developing various resources "in house" within the criminal justice system as opposed to using the mental health system resources. Particular instances of the general concern include:

+ Whether the Probation Department should have a specialized mentally disordered offender unit. Although it is not envisioned that this unit would itself provide extensive psychiatric counseling and treatment, proponents of the unit believe that a specialized unit would strengthen "in house" resources for working with mentally disordered offenders.

+ Whether the jail should be a 5150 facility and, more generally, what the role of the new jail's Medical Module should be in the total "hospital" placement options for the County. Once the new jail is open, there will be pressures for clarification regarding which prisoners are appropriately treated within the jail. Policies should be elaborated regarding the point, in terms of severity of disorder or anticipated length of treatment, that prisoners should be transferred to the County Hospital.

+ Once the appropriate allocation of roles between the jail and other mental and medical health facilities in the County is clearly demarcated, then rationalized budget or service fee relationships can be worked out, e.g., between the Sheriff's Department and the Health Services Department.

The following section summarizes some of the major intersections between the criminal justice and mental health systems. Statutes and regulations already provide guides, in many areas, regarding the appropriate roles for the two systems.

III. Intersections Between Criminal Justice and Health Systems

As the preceding section implies, the connections between criminal justice and health systems are very complex. In addition to the instances in which mental health services are an adjunct to corrections treatment and supervision of prisoners or probationers, there are several more formal, statutorily defined junctures, at which offenders may (or must) be transferred from criminal justice to mental health supervision. Table 2 capsulizes the primary connections between criminal justice and mental health, with emphasis on formal or statutory decision points.

As shown in Table 2, a decision can come at several stages of the criminal justice proceedings. The County Director of Mental Health (or personnel designated by the Director) generally has the responsibility of making diagnostic determinations regarding the appropriateness and location of treatment, although some decisions--such as a motion that a defendant is not competent to stand trial or a plea in court of "not guilty by reason of insanity"--involve adversarial court proceedings in which both defense and prosecution may retain their own clinical experts for testimony.

Problems regarding the allocation of treatment roles between mental health and criminal justice agencies were discussed in the previous section. In addition, even in the relatively well-demarcated and formal set of relationships between the two systems, there are areas of uncertainty or disagreement. Particularly if the number of mentally disordered offenders continues to rise, these issues will need to be carefully studied. For example:

+ The responsibilities of the County Mental Health personnel in adversarial proceedings may require attention. While public mental health professionals have clear statutorily defined responsibilities once defendants have been found not guilty by reason of insanity or found incompetent to stand trial, the role of public mental health professionals in the original determinations by the court of these statutes is less clear.

IV. Summary of Issues for Further Analysis

The issues in providing mental health services for the criminal justice population are extremely complex. However, in light of the number of offenders with mental disorders, these issues cannot be ignored. Following are items to be pursued.

1. The comprehensive plan for mental health services for the criminal justice population should include significant input from criminal justice officials regarding programmatic need for this population. Several service priorities were tentively identified in earlier sections of this report, including needs for: a "L" facility (acute inpatient psychiatric beds); a secure subacute residential treatment facility; and outpatient clinics open to criminal justice clients. It is beyond the scope of this Corrections Master Plan to specify specific treatment programs.

2. Elimination of unnecessary duplication of services with particular emphasis on the reentry programs. In addition, there may be cost savings available by examining specific program components within the Criminal Justice Health Care Services Program. In a period of "tight" budgets, screening of prisoners for mental problems may not be supportable; likewise, it may be possible to combine substance abuse and mental health service activities within the Criminal Justice Health Care Services Program.
3. Defining the role of the jail's Medical Module within the overall framework of "inpatient" services in the County. It is not recommended that the jail be designated a 5150 facility, but it is important to define the circumstances and policies under which inmates will remain in the jail for evaluation or treatment and the circumstances under which they will be transferred to the County Hospital.
4. Developing policies for probationers who are placed in mental health treatment programs as a condition of probation. It is important to work out policies for the sharing of information between mental health providers and probation deputies that will give the latter the information needed for supervision duties without violating the relationship of the counselor with the offender/patient.
5. Finally, it is recommended that a Task Force on Forensics be created by the Board of Supervisors to evaluate and make recommendations regarding those issues or activities in which both mental health and criminal justice systems are directly involved. Topics for the attention of this Task Force include those listed previously as well as:
 - a. The relationship of the County Detention Facility and County Hospital. In addition to issues of jurisdiction and treatment, there are also disagreements between the two agencies over who should bear financial responsibility for mentally ill offenders. Who, for example, should pay the cost of treatment for prisoners taken to County Hospital? Who should underwrite the cost of mental health personnel working in the jail? Examination of these issues will entail not simply a review of the respective roles in treatment, but also analysis of how various sources of funds (such as Short/Doyle, MediCal, etc.) might be used for pretrial and/or sentenced prisoners.
 - b. Procedures regarding the movement of prisoners from one system to the other. Several formal or statutory mechanisms outline responsibilities for various diagnostic and adjudicative decisions. Nevertheless, a detailed look at implementation procedures--a task beyond the scope of the Corrections Master Plan--is needed to identify present or potential "trouble spots". Such "trouble spots" may occur in court procedures, in decisions regarding where to place prisoners during evaluation periods, or in the use of mental health professionals in court processes.

There is currently little information available regarding the scope and frequency of mental disorder among the jail population. The Criminal Justice Health Care Services Program will be collecting data on this, along with data regarding services provided in the jail. On a broader scope, there has been no integrated and systematic data collection effort regarding the disposition of mentally ill offender cases in the County. The frequency of proceedings such as 5150's, PC 4011.6, PC 1026, and PC 1368-70, are not systematically reviewed. Such information should be examined. Information on the types and circumstances of offenders involved should also be examined, as should data on the dispositions of these hearings and the mental health placements that result. Only when full information is available can a wise strategy be designed for dealing with the growing--if it is indeed growing--problem of mentally disordered offenders.

- c. Joint planning between the criminal justice and mental health systems. The Task Force should review recommendations in the Corrections and Mental Health plans. Differences in priority ratings of program needs for the population that both systems serve should be identified. Recommendations to the Board of Supervisors on needed plan revisions should be made.

TABLE 2: PROCESSES RELATED TO MENTALLY ILL DIAGNOSIS AND TREATMENT WITH
SPECIAL REFERENCE TO ADULT CRIMINAL JUSTICE IMPACT

A. ACTIONS REMOVING PERSONS FROM CRIMINAL JUSTICE SUPERVISION

Action or Proceeding	Agency Responsibilities	Linkages to Criminal Justice System
<p>"Conservatorship", under the Lanterman-Petris-Short Act (LPS), this term refers to commitments to mental institutions for either a "14 day certification", "30 day temporary conservatorship", or a "permanent conservatorship". Conservatorship is ordered when there is a showing of "grave disability" (or inability to provide food and shelter). "Dangerousness" is <u>not</u> the criteria.</p>	<p>Conservatorships are ordered by Superior Courts based on professional psychiatric findings. Under LPS, individuals being considered for conservatorships have counsel. (Public defenders are required to represent the individual if other counsel is not available. County Counsel represents the County.</p>	<p>Conservatorship is a civil, not criminal proceeding. As a practical matter, however, conservatorships may come into play in the disposition of criminal cases and supervision of offenders. For example, placement of probationers in mental health facilities for treatment may be facilitated by conservatorships, since the conservatorship status guarantees payment to the facility.</p>
<p>5150 W&IC refers to involuntary commitment for up to 72 hours in an authorized mental health facility for evaluation of whether the individual is "gravely disabled" or poses a "danger to self or others."</p>	<p>Peace officers may take persons to the County Mental Health Director or the Director's designee, for evaluation regarding the need for hospitalization. Other designated mental health personnel may also take persons for involuntary confinement and evaluation. In Contra Costa County, 5150 evaluations take place in E Ward at County Hospital.</p>	<p>Police often face a choice as to whether to take an individual to the hospital as a 5150 or to jail on criminal charges (often malicious mischief, assault, or petty theft). There is general consensus that a "clear" 5150 should be taken to the Hospital, not jail.</p>

TABLE 2 (continued)

A. ACTIONS REMOVING PERSONS FROM CRIMINAL JUSTICE SUPERVISION

Action or Proceeding	Agency Responsibilities	Linkages to Criminal Justice System
4011.6 PC refers to mental health evaluation of an incarcerated person to determine whether hospitalization is necessary. This sections covers transfer of prisoners to a hospital for a 5150 W&IC evaluation.	The Jail Commander or Judge can initiate the proceedings. The County Mental Health Director or designee has the responsibility for evaluation, which can occur in a designated mental health facility or in the jail or prison. In Contra Costa County, 4011.6 evaluations can occur in either E Ward or in the new jail medical unit. Extended treatment may ensue, voluntarily or through conservatorship mechanisms.	4011.6 covers seriously disturbed prisoners, in both pretrial and sentenced status. If the prisoner is unsentenced, criminal proceedings are suspended until treatment pursuant to this section is concluded. If the prisoner is sentenced, the time spent in mental health facilities counts as "time served".
4011.8 PC is similar to 4011.6 PC, except prisoner voluntarily requests mental health evaluation.	See 4011.6 PC above	See 4011.6 PC above.

TABLE 2 (continued)

A. ACTIONS REMOVING PERSONS FROM CRIMINAL JUSTICE SUPERVISION

Action or Proceeding	Agency Responsibilities	Linkages to Criminal Justice System
<p>1026 PC - not guilty by reason of insanity plea. This penal code section directs that a special trial be held if a defendant pleads "not guilty by reason of insanity", to determine whether the defendant was insane at the time the crime was committed.</p>	<p>Trial is in same criminal court in which trial on the offense itself occurs. The court hears, and may appoint, mental health experts. These may be retained by defense or prosecution counsel. The law does not say where the defendant is to be housed during these proceedings - in jail or in the hospital. However, if the defendant is found not guilty by reason of insanity, the court may order involuntary treatment "unless it appears that the defendant has fully recovered." (The nature of treatment depends in part on the offense committed, in part, on the evaluation of County Mental Health personnel. Pursuant to 1026.1 PC, the County Mental Health personnel may recommend outpatient or community treatment to the Judge, who then holds a hearing at which prosecution, defense, and other testimony is admitted.</p>	<p>This proceeding is part of the criminal trial. There are obvious implications for corrections personnel, since a finding of not guilty by reason of insanity will result in transfer of the defendant to the supervision of mental health agencies.</p>
<p>1026.1 PC - evaluation of suitability for outpatient treatment following a finding of insanity under 1026 PC.</p>	<p>See 1026 PC above</p>	<p>See 1026 PC above</p>

A. ACTIONS REMOVING PERSONS FROM CRIMINAL JUSTICE SUPERVISION

Action or Proceeding	Agency Responsibilities	Linkages to Criminal Justice System
1368 PC - 1370 PC - competence to stand trial proceedings. If there is doubt whether the defendant is "mentally competent" at the time trial is scheduled, the trial is suspended (1368 PC), the Court hears evidence regarding the defendant's competence (1369 PC), and, if the defendant is found not competent, appropriate treatment is ordered (1370 PC).	The criminal trial court oversees these proceedings, which take precedence over the criminal trial itself. The court appoints mental health experts to evaluate the defendant. Then, the court or a jury determine whether the defendant is competent or not. If the defendant is found mentally competent, the criminal proceedings resume. If the defendant is found not competent, the trial is suspended until the defendant can be found competent. In the meantime, the defendant is taken to Napa or Atascadero State Hospital, or to another mental health treatment facility or program specified by the County Mental Health Director.	The implications for the criminal trial are apparent, although overall implications for criminal proceedings are complex. The mental competency proceeding cannot begin until after arraignment or indictment (1368.1 PC). This may entail substantial delay, particularly in felony cases. In the interim, the defendant's housing is a potential problem. Also, if a defendant is placed in an outpatient treatment facility, the time spent may be credited against any sentence (on the criminal charges) involving incarceration.

TABLE 2 (continued)

A. ACTIONS REMOVING PERSONS FROM CRIMINAL JUSTICE SUPERVISION

Action or Proceeding	Agency Responsibilities	Linkages to Criminal Justice System
6300 W&IC - <u>Mentally Disordered Sex Offenders</u> (MDSO's). This statute allows suspension of criminal proceedings and civil commitment of sex offenders for treatment at Atascadero State Hospital.	Analogous to 1368-1370 PC proceedings, in sense that criminal proceedings are suspended until the need for treatment is determined and treatment is provided. Following release from Atascadero, criminal proceedings <u>may</u> be reinstated.	Although criminal proceedings may be reinstated, MDSO adjudication is in effect an alternative disposition of the case. Provisions of determinate sentencing for criminal conviction apply to MDSO commitments.
AB 1229 - community outpatient treatment is supported, in this legislation, for certain offenders found mentally disordered under either 1026.1 PC, 1370 PC, 6300 W&IC. The measure pays for staff to evaluate and monitor these community placements.	As specified above, the County Mental Health Director or his designee can evaluate the appropriateness of outpatient treatment for the enumerated categories of persons. Most persons are returning from hospitalization. Potential outpatients must be approved by the court as meeting the statutory requirement that they are not a "danger to self or others." The clinical personnel are, in effect, advisors to the court.	In most circumstances, time spent in inpatient status can be "credited" against determinate incarceration sentences upon conviction. Outpatient status under 1229 does <u>not</u> apply.

TABLE 2 (continued)

B. TREATMENT WHILE INCUSTODY OR UNDER SUPERVISION

Action or Proceeding or Standard

Agency Responsibilities

1203.03 PC - diagnostic commitments
to CDC.

State Department of Corrections personnel (at Vacaville) advise the sentencing judge regarding a convicted person's amenability to treatment and appropriateness for imprisonment. This report must be filed with the court within 90 days.

1203.1 PC - "terms and conditions" can be
required as part of suspended sentences (or
probation supervision).

Except in certain circumstances, the court can suspend a sentence of incarceration and grant probation instead. The court can set "terms and conditions" and these may include required mental health treatment. Likewise, the Probation Officer can set terms and conditions, which also may include mental health treatment.

TABLE 2 (continued)

C. SHERIFF'S RESPONSIBILITIES

Action or Proceeding or Standard

Agency Responsibilities

Title 15, California Admin. Code, MJS, 1052

Each facility manager shall segregate all mentally disordered inmates...an inmate shall be considered mentally disordered if she or he appears to be a danger to himself or others or if he appears gravely disabled. If practical, or feasible, such a mentally disordered inmate shall be transferred to a medical facility designated by the County and approved by the State Department of Health for diagnosis, treatment, and evaluation of such suspected mental disorder according to 4011.6 PC.

American Correctional Association Standard 5157*

Written standard operating procedures exist for screening, referral and care of mentally ill and retarded inmates.

ACA 5164

Health appraisal data collection, which is completed for each inmate within 14 days after admission to the facility, includes...additional data to complete the medical and psychiatric history...and a standardized medical examination with appropriate comments about mental status.

ACA 5177

Screening and referral for care are provided to mentally ill or retarded inmates whose adaptation to the detention environment is significantly impaired.

*The Sheriff will seek ACA accreditation for the new County Detention Facility in 1981.

TABLE 2 (continued)

Action or Proceeding or Standard	Agency Responsibilities
ACA 5178	Facility personnel are trained regarding recognition of symptoms of mental illness and retardation.
ACA 5179	A special program exists for inmates requiring close medical supervision.
ACA 5187	All examinations, treatments and procedures affected by informed consent standards in the community are likewise observed for inmate care.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE II

INCUSTODY PROGRAMS AND SERVICES

February 1981

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A. INTRODUCTION/SUMMARY

This report contains an inventory of adult programs and services provided to the incustody corrections population in Contra Costa County.

The report is not intended to be, of itself, analytic or evaluative. However, when combined with other information on inmate characteristics, past experience with various kinds of programs, and other relevant data, it will serve as a basis for evaluation of programming needs, and for decisions about the allocation of corrections funds. The report does present policy issues that are raised by the inventory. These issues are contained at the end of each program/service description.

Certain generalizations from the present report stand out. An array of services exist to assist pretrial and sentenced inmates. A major area of need is work related programming for sentenced inmates. This particular area has been neglected in recent County corrections planning because of the focus on the new pretrial program and facility. Sentenced work training programs require careful planning so that programs can include staggered levels of training to allow for constant inmate turnover and an average length of stay of 22 days.* There is some duplication of service, although there is good program coordination. The duplication often comes from programs serving somewhat different populations and from differences in purpose, e.g., the Public Defender Liaison Worker, Probation Department staff, and Mental Health Services Reentry staff all locate community placements for the mentally disturbed. All programs and services need evaluation plans developed and implemented. The major social policy question facing County decision-makers in the area of incustody programs is what level of service the County wants to provide persons who come in contact with the criminal justice system. For example, should unsentenced inmates be screened and provided with mental health, education, vocational education and social services? If so, at what level?

The inventory report can be used in planning priorities, eliminating duplication of services and identifying gaps in services. Particularly where fiscal and other resources are limited, comprehensive planning requires some comparison across agency or functional boundaries. This report also includes some suggested policy guidelines County decision-makers may want to adopt for delivery of incustody programs and services.

Sources of Data

The operational head of each of the programs or services inventoried was personally interviewed, and written documents and data describing program/service operations were collected. The following information was gathered

*See Phase II: Alternatives to Incarceration. Although the average length of stay for all sentenced prisoners (estimated from a one week booking sample in March 1980) is 22 days, a one day sample (12-18-80) at the Rehabilitation Center indicated that of the 74 persons incustody, 37 were serving sentences of less than 121 days and 37 prisoners were serving sentences of more than 121 days. The average length of stay for unsentenced prisoners in the 1980 sample was 6.3 days.

for each program/service:

- (1) sponsoring agency
- (2) funding source/budget
- (3) legal requirements/correctional standards
related to the service/program
- (4) eligibility/access
- (5) capacity
- (6) location
- (7) description of service provided
- (8) evaluation data
- (9) staffing
- (10) frequency of use
- (11) coordination with other services.

Several programs and services that are provided to incustody persons are included in other master plan reports. Health care services are described in Phase II: Health Care and Criminal Justice, the Public Defender Liaison Program, the Probation Department's CIDS project and work furlough are described in Phase II: Alternatives to Incarceration.

Evaluation Standards and Guidelines

The assessment of incustody programs included a review of standards and guidelines contained in several applicable local, State and national regulations and guides for detention facilities as follows:

Board of Supervisors, Contra Costa County, Resolution No. 79/909.
This resolution was adopted September 11, 1979 by the County in the matter of establishing a Correctional and Detention Services Advisory Commission. The resolution sets out the Commission's purposes and duties including advising the Board regarding, health, social and correctional services available to incarcerated persons and on the functioning of the concepts and programs at all facilities.

Title 15, Chapter 1, Subchapter 4 - California Administrative Code:
Minimum Standards for Local Detention Facilities, April 1, 1980.
The State Board of Corrections is responsible for the development and application of minimum standards for the construction and operation of local detention facilities. The State Board, using these standards, is responsible for the inspection of local facilities, establishing bed capacities, and where necessary, recommending remedial action for the purpose of correcting deficiencies in local detention facilities.

Guidelines for the Establishment and Operation of Local Detention Facilities, State of California, Board of Corrections, 1980, Health and Sanitation, Procedures and Programs, Community Release Programs, and Short Term and Temporary Detention Facilities.

California Penal Code, 1981.

American Correctional Association (ACA), Manual of Standards for Adult Local Detention Facilities, December 1977.

It should be noted that the Sheriff will be seeking American Correctional Association accreditation for the new County Detention Facility in 1981.

National Sheriff's Association, Jail Programs, 1974.

National Advisory Commission Standards and Goals, Corrections, 1973.

National Institute of Corrections

The new Detention Facility has been selected as a National Institute of Corrections Resource Center. Responsibilities include coordinating training in fields such as work furlough, food services, community advisement and detention operations for the western United States.

Importance of Programs and Services to a Corrections and Detention System

Several criteria are important to an assessment of the types of programs and services that are needed in a corrections and detention system.

A number of programs and services are required by law and must meet certain prescribed standards, e.g., attorney visiting, telephone access, medical care.

Additional or expanded services are needed from a sound administrative practice perspective. For example, most jail administrators agree that the quality of food contributes to the presence or absence of tension in a detention facility. The role of recreation is also crucial to maintenance of control in an institution. Basketball games provide an opportunity for racial mixing in an environment where ethnic groups tend to remain separated.

A number of other programs and services provide some potential rehabilitation effect. Learning work habits through participation in a trusty job, obtaining a GED through knowledge gained in attending education classes, securing a job through efforts by manpower program staff, or placement through a probation officer in a drug counseling program may be important factors in a person's decision to not engage in further criminal activity.

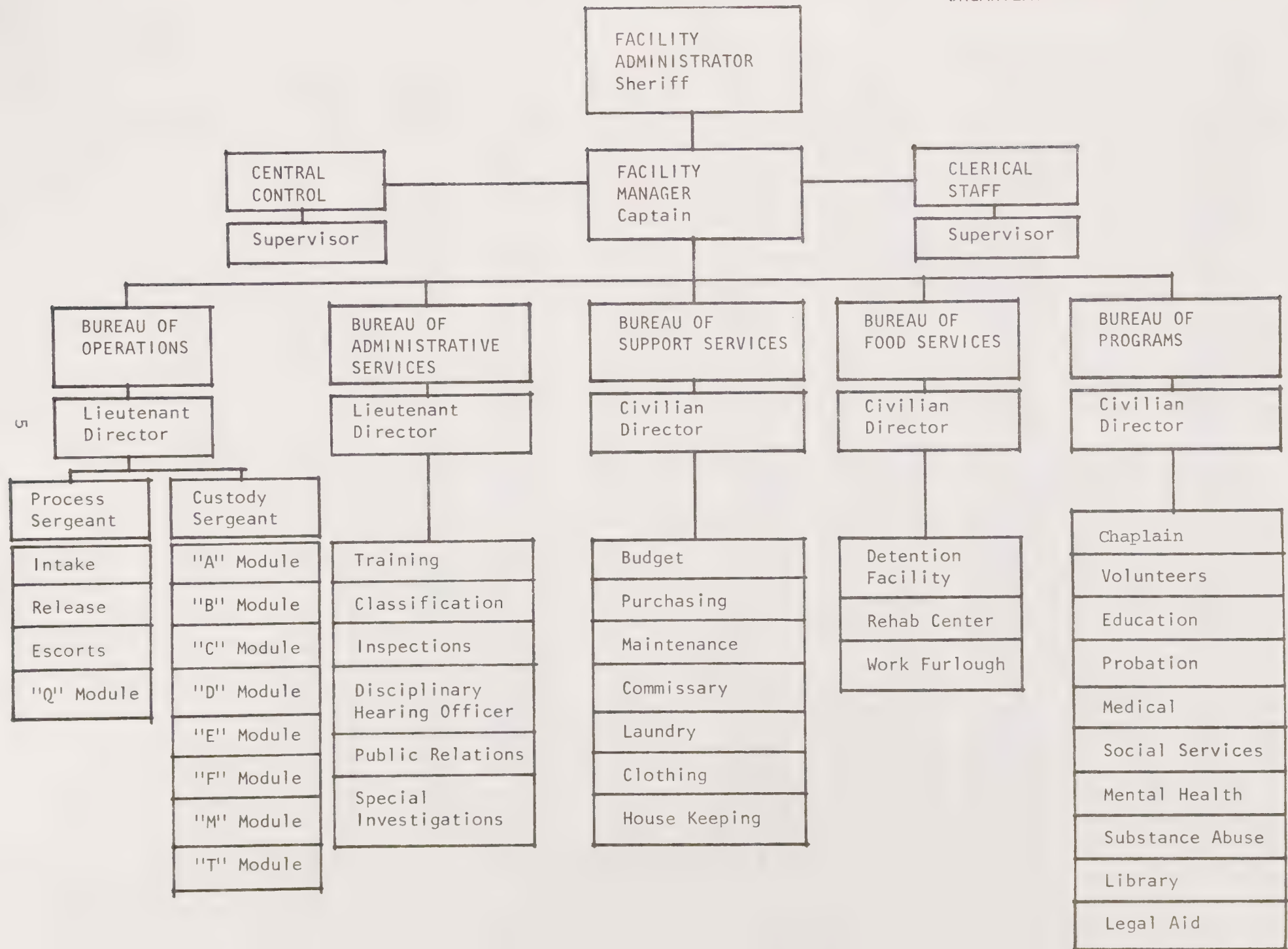
During the planning for the new jail facility, a survey of inmates indicated that their major concerns, aside from overcrowded conditions, were the need for more recreational facilities and programs, improved contact with their families (including access to telephones and contact visiting), availability of drug and alcohol counseling and law library access.*

All of the above described considerations were part of the decisions regarding new programs and services to be offered in the new detention facility and the other County corrections facilities. Because of the varying reasons for implementation of programs, e.g., legal requirements, rehabilitation effects, effective management, it is often difficult to assess the relative importance or impact of one program vis-a-vis another. However, it is important to evaluate each program within the context of the detention and corrections system, and to gather as much information as possible regarding the costs and benefits, including any effect on behavior.

*Facility Sciences Corporation, Contra Costa Detention Facility Service Program, December 1976, Appendix A.

A Sheriff's Department detention facility organization chart, which follows, indicates the programs and services available in all the detention facilities. As can be seen from the chart, a Director of Inmate Services is accountable to the Sheriff for the overall provision and coordination of incustody programs and services (see Section B -9 of this report for a description of the Director's responsibilities). This person provides a number of critical tasks related to the delivery of services and programs to inmates. These tasks include: determination of whether all legally required programs and services are being provided; identification of needed services and potential service providers; informing relevant individuals and agencies, e.g., inmates, the courts, custody staff, of the extent and availability of services; determination of equal program accessibility for male and female inmates; and, the evaluation of all incustody programs and services. (The Correctional and Detention Services Advisory Commission is responsible for advising the Board of Supervisors on the above-described issues.) It should be noted that while the Director of Inmate Services has the major responsibility for coordination of programs and services, it is crucial to the effectiveness of the programs that facility commanders and custody staff take responsibility for program success--they must educate themselves on what is available, encourage inmates to participate, work with program staff, identify program needs and comment on program effectiveness.

COUNTY DETENTION FACILITY
ORGANIZATION CHART



PROGRAMS AND SERVICES

1. Religious Activities

All inmates have a constitutional right to practice their legitimate religion subject only to the limitation necessary to maintain order and security.*

References: PC 4027
Title 15, Calif. Admin. Code: MJS 1070
Guidelines, Procedures and Programs, pp. 45-46
NSA, Jail Programs, Chapter 12, pp. 39-40
ACA 5278, 5272, 5192, 5352, 5355

Budget/Source: \$9,500/yr., Council of Churches; \$16,200/yr., Sheriff's Department budget. Office space, phone and limited office support are provided by the Sheriff's Department. All special equipment, books, written materials and handouts are provided through the chaplain.

Description of Services: Chaplaincy services and religious activity coordination for inmates have been provided on a fulltime basis by a qualified chaplain since December 1, 1979. The chaplain was hired through a contract with the Council of Churches of Central Contra Costa. He is an ordained Lutheran minister with prior experience in working in a correctional institution. The chaplain is "on-call" at all times in the event of a crisis. These services are provided at all the adult detention facilities--the County Detention Facility in Martinez (CDF), the Rehabilitation Center at Clayton and the Men's Work Furlough Center, and the Sentenced Women's Facility in Richmond. All services and counseling are offered on a voluntary basis.

The chaplain's office is located in the West Library/classroom area of the Martinez facility. As soon as the CDF becomes operational, the chaplain envisions focusing the majority of his effort on inmates in the Intake and Medical modules. He will spend four or five hours a week at each of the other facilities.

An intensive Bible study class will be offered in the new CDF and discussions are currently scheduled in all facilities on topics such as: marriage, divorce, sex education, law and order, religious holidays. Devotional material is also available through the chaplain.

The chaplain has been working with the Detention Facility librarian in developing a list of religious material that should be available to inmates.

The chaplain makes sure that clergy from a cross-section of religious denominations are represented in each of the County facilities. The chaplain is responsible for determining legitimate religious practices. The chaplain utilizes the Department of Army list of current practicing religious organizations. The criteria the chaplain uses for determining legitimate

* Sheriff's Department, Contra Costa County, Draft Manual, Policies and Procedures, Detention Facility, Religious Programs.

religious groups is a demonstration of a religious community and the ability to identify religious tenets and practices. Tenets and practices must also be recognizably religious in nature. All inmate requests for contact with their particular religious group have been honored by the chaplain, although some groups have not contacted the inmate making the request.

Worship services are provided on a regular basis by Catholic, Protestant, and Fundamentalist organizations. Bilingual services are also provided.

The chaplain's activities are augmented by a variety of outside resources he has obtained. For example, students from the San Francisco State Psychology Department and the Graduate Theological Union in Berkeley assist in providing counseling services to inmates. Seminarians have been working in the facilities since the summer of 1980. Catholic deacons also regularly provide services.

Visits to local churches are made regularly by the chaplain to describe the County detention religious program and to request that church members share their pastoral and lay leaders. This is a particularly important aspect of the chaplain's responsibility since there had been no prior efforts to involve local churches in providing services in the County facilities.

The physical facilities for religious programming at the CDF are excellent. There is a separate chapel at the Rehabilitation Center, and special programs such as caroling at Christmas are held in the dining facility. Services at the Richmond facilities are hampered by the fact that there is no regular meeting place for worship services and no counseling space.

The following is an estimate by the chaplain of religious activities provided by him and other religious leaders as of February 1981:

- (1) Interview/counsel 140 inmates per week.
- (2) Supervise 14 professional clergy and 32 lay volunteers.
- (3) Perform seven formal services per week, averaging nine inmates.
- (4) Visit local churches, talking to 1200-1500/month.

Issues: A coordinator of religious activities who is an ordained clergy person is a cost-effective way of providing a variety of services. The chaplain is trained in supervision, has the theological background to work with the corrections population and various religious groups, and can offer training programs for students and clergy working with inmates.

2. Library Services

The provision of library services in a county jail is based on the legal requirement for access to legal materials for inmates in preparation of a defense or appeal in court, and the need to provide reference, reading and audio-visual materials for education and recreational purposes.

References: Younger v. Gilmore, 404, U.S. 15, 1971
Title 15, Calif. Admin. Code: MJS 1064
Guidelines, Procedures and Programs, pp. 40-41
NSA, Jail Programs, Chapter 8, pp. 28-29
ACA 5352, 5359-5361

American Library Association, Jails Need Libraries Too,
Guidelines for Library Service Programs to Jails, 1974

Budget/Source:

- (1) \$15,768/yr., fulltime paraprofessional at the Library Assistant II level from Sheriff's Department budget.*
- (2) \$2,760/yr., Coordinator of Adult Services (at 10% time) from County Library budget.
- (3) \$8,000 from Sheriff's Department budget for initial purchase of paperbacks, recreational material, magazine subscriptions; future annual budget allocations will be approximately \$4,000. Office space, phone, and limited office support are provided by the Sheriff's Department.
- (4) \$24,700, one-year grant from the Library Services and Construction Act (LSCA) to provide library and information services to County inmates.
- (5) Donations: A law library collection from the Public Defender; \$1,500-2,000 worth of paperbacks from private individuals and organizations.

Description of Services: Library services are provided by a fulltime Library Assistant II (hereinafter called librarian) to inmates and staff at all of the County facilities through an interdepartmental contract between the Contra Costa Library and the Sheriff. The person hired by the County Library for the position previously worked as the Bookmobile Librarian for ten years, which included service to the juvenile facilities. She started work September 1, 1980.

The librarian selects appropriate reading and informational material, and is responsible for the general and law library operations at the CDF and the general library at the Rehabilitation Center and the two facilities in Richmond. Special materials needed by inmates are provided through interlibrary loan from the Central Library collection, and legal

*Salary figures in this report do not include benefits (an addition of approximately 25%).

materials not available from the CDF library can be obtained from the County Law Library. The librarian will provide basic instructions in the use of the legal collection. Typing paper will be available in the Law Library, although currently due to staff limitations, inmates have not been allowed to visit the library. The librarian is responsible for taking materials to restricted inmates as needed. Some browsing and reference materials are housed within the modules at the CDF and are rotated periodically.

The librarian is in the process of selecting the materials for purchase for the core detention library collection. The grant from LSCA provides funds for the development of services and collections for the non-English speaking and low-literacy level inmates, a basic reference collection and a basic collection of professional materials for the custody staff. Audio-visual equipment and materials will also be purchased with grant funds. This is a one-time grant only, and all purchases will be made by December 31, 1981.

Extensive contacts were made with people all over the country who are responsible for the legal and general library collections in correctional institutions for assistance in developing a list of needed materials. Contra Costa program staff, including the social worker, the chaplain, and education instructors have also provided lists of appropriate materials.

The principal library collection is housed in the new Detention Facility. This facility has the best equipment, supplies and physical capability, as well as the majority of inmates.

The general book collection at the Rehabilitation Center is housed in the classroom building. The room is dingy and cold and is not accessible to inmates. It is locked the majority of the time due to lack of supervision. There are current plans to move the library to a more accessible location.

Books at the Richmond facilities are housed in the classroom on the men's side. This is a coed area at certain times. There is adequate browsing and reading space. There are also books kept at the Women's Sentenced Facility on shelving in the kitchen and television room. The collections at the Rehabilitation Center and Richmond facilities are very outdated. The librarian is in the process of cleaning out the collections and making new purchases. Materials needed, in addition to those housed in the facility, are provided through interlibrary loan from the County Library.

The librarian works from 1-9 p.m. at the CDF, Tuesday-Friday. She spends Saturday morning at the Rehabilitation Center, and Saturday afternoon in Richmond. She plans, if possible, to keep the CDF library open on Saturdays and Sundays and evenings, using Friends Outside volunteers. There is currently one person volunteering time in the CDF library.

Circulation statistics are reported monthly to the County Library and the Detention Facility administration. In the month of February 1981, 524 pieces of library material were circulated in the detention facilities.*

*Update: In November 1981, total circulation was 1,959.

Issues: Since the CDF library is just becoming operational for inmates at the time of this writing, a specific area of concern still to be addressed is the accessibility of all library material to the range of inmates held in the CDF. Since inmates cannot yet visit the library, most of the librarian's time is spent in visiting the modules with book carts and locating and copying legal materials for the inmates. This has largely been at the expense of other library operations: developing the collections at all three facilities; ordering books, pamphlets, cassette tapes, etc.; processing materials for circulation; and initiating film and library programs.

One of the issues in developing a law library program at the new facility was to eliminate the need to transport prisoners from the facility to the courthouse to use the law library. The core collection at the facility library appears to be adequate. As of the writing of this report, no prisoners have had to be transported to the courthouse library. The librarian is still purchasing often-requested material, e.g., instructions on how to prepare writs.

3. Recreation

Recreational activities provide a more normal physical and social environment and assist in reducing some of the tensions associated with being incarcerated. Recreational activities can involve a variety of activities from sedentary to active, solitary to group, indoor and outdoor, and quiet to noisy.

References: Title 15, Calif. Admin. Code: MJS 1065
Guidelines, Procedures and Programs, pp. 42-43
NSA, Jail Programs, Chapter 6, pp. 22-24
ACA 5352, 5356

Budget/Source: There is only \$500 itemized for recreation in the 1980/81 Sheriff's Department budget. Money can also be transferred from one category to another within the Detention Division budget as need arises. The Inmate Welfare Fund can also supply money for recreational activities. There is currently \$11,000 in this fund; however, a controversy exists regarding proper allocation of this money. (See minutes from the Correctional and Detention Services Advisory Commission, 1980-81.)

Description of Services Provided: Provision of recreational activities is part of the responsibility of a number of individuals and organizations under the overall supervision of the Director of Inmate Services. Recreational activities at all facilities include basketball, television, cards, checkers, radios, table tennis, puzzles, chess, weight lifting. Outdoor exercise is available when the climate permits.

Recreational activities for the general inmate population housed at CDF are available daily after the module has been cleaned by the inmates. Inmates in restricted or special modules (e.g., Intake and Medical) have more specific regulations. When the old jail housed female inmates, a volunteer Catholic women's group (J.A.I.L.) organized a three-hour weekly handicraft program.

There is only one regular organized recreational activity at the Rehabilitation Center. It is a furniture-making craft program. There are softball games when weather permits and a once-a-year volleyball game organized by Friends Outside.

Women's Sentenced Facility and Men's Work Furlough staff supervise a recreation period on Saturdays for activities like volleyball.

County School Superintendent's staff have submitted a request for curriculum approval to the California State Department of Education for a Health Education Physical Fitness Course. The course is designed to improve physical conditioning and is set up to utilize the Universal Gym equipment at all the detention facilities. An instructor in health education currently provides 20 hours of instruction at the CDF.

Recreational reading material is supplied at all the facilities (see Library Services).

Entertainment and special events, like caroling at Christmas, is organized by the chaplain and/or Friends Outside.

Issues: The recreation program could be improved by encouraging more active community involvement, particularly in recruiting groups to offer recreational activities, and more inmate involvement in planning and organizing recreational programming. This is especially important at the Rehabilitation Center where there is a less transitional population.

4. Visiting, Mail, Telephone

A variety of visiting opportunities are recommended for inmates in both unsentenced and sentenced facilities. Generally, correctional sources recommend that the length and type of visit, i.e., contact, non-contact, be limited only by an institution's schedule and space, personnel and security constraints; and, that visitation privileges be available to all inmates unless they are abused. Attorney-inmate visitations are basically unlimited in number and are private.

<u>References:</u>	Telephone	PC 851.5 Title 15, Calif. Admin. Code: MJS 1067 Guidelines, Procedures and Programs, pp. 43-44
	Mail	Title 15, Calif. Admin. Code: MJS 1063, 1068 Guidelines, Procedures and Programs, pp. 39-40, p.44
	Visiting	Title 15, Calif. Admin. Code: MJS 1062, 1068 Guidelines, Procedures and Programs, pp. 38-39, p. 44
	NAC 2.17 NSA Inmates' Legal Rights, 1974, p. 42 ACA 5306-5319	

Description of Services Provided: Visiting hours for family and friends are established at all of the detention facilities. Non-contact visits were permitted in the old jail from 1 p.m. to 5:30 p.m. on Saturday and

Sunday for adult visitors only. Inmates in custody over 30 days were allowed a 1/2 hour contact visit every 14 days. The same visiting hours apply at the new CDF. It is anticipated that visiting will be allowed all day except at meal times and two hours in the evening, seven days a week.*

Visiting at the Rehabilitation Center is permitted on Wednesday evenings from 7 p.m. to 8 p.m. for one adult visitor, and Sunday afternoons between noon and 3 p.m. for adults and children (if accompanied by a parent or guardian). Visits are held in the dining area of the facility.

Visiting at the Men's Work Furlough Facility and the Women's Sentenced Facility takes place on Thursday nights from 7 p.m. to 9 p.m. for one adult only, and on Sundays from 1 p.m. to 4 p.m. with no limitation on the number or age of visitors. All visiting at the Rehabilitation Center and the Richmond facilities is contact visiting.

All mail may pass in and out of the facilities. Incoming mail is checked for contraband. All legal mail is opened in front of the inmate. Inmates in all the facilities have access to telephones. In CDF's housing modules, local telephone use is unlimited.

5. Social Services

Social services are important in assisting inmates with family and personal problems through counseling and referral. Needed services include both crisis and scheduled ongoing activities. Jail personnel should be aware of services available to identify persons needing assistance.

References: Title 15, Calif. Admin. Code: MJS 1070
Guidelines, Procedures and Programs, pp. 45-46
NSA, Jail Programs, Chapter 4, pp. 16-18
ACA 5352, 5353

Budget/Source: Liaison Social Worker - Detention Facility, Social Worker III at \$21,600/yr. assigned from and paid for by County Social Services Department.** (Sixty percent of the salary for this position is paid for by federal funds.) Social Services also supplies clerical support and office forms and supplies.

Description of Services Provided: A fulltime social worker assigned to the Sheriff's Detention Division provides an array of voluntary services (with the exception of Protective Services to adults and children) to inmates at

*Update: In July 1981, the plan to allow visiting of family and friends at all times was abandoned due to the amount of staff time involved.

**Update: The Social Services Liaison Worker position at the Detention Facility became vacant midway through 1981, and the Department of Social Services has no funds currently available to refill this special position.

all the detention facilities, and their families. The social worker began work July 1, 1980. She has been a County employee for 14 years, working in the areas of services and eligibility and mental health. The social worker will be housed with the general program staff in the CDF. CDF inmates needing social service assistance will be able to see her right away. The social worker makes weekly visits to the Richmond facilities Thursdays from 10 a.m. to 2 p.m., and to the Rehabilitation Center Wednesdays from 10 a.m. to 4 p.m. Referrals to the social worker come from custody and program staff. Ongoing coordination takes place with Probation Department and Friends Outside staff.

The social worker does an initial assessment on all referrals after talking personally with the inmate or family member to determine need and eligibility. She then refers to the appropriate service eligibility or social worker in the County. In order for services to be provided, an inmate must be eligible for a particular program offered by the Social Services Department. Services provided include ten required by the State: information and referral, protective services to adults and children, out-of-home care for adults and children, child daycare services, health related services, family planning, employment related services and inhome supportive services; and four optional services the County also provides: special care for children in their own home, employment, education and training; services for disabled individuals and services for children with special problems.

One hundred and twenty-four inmates have been referred to the social worker from July 1980 through December 1980. The social worker's average monthly caseload during this time was 21.

Issues: In determining the overall cost of providing detention services in the County, a number of costs are difficult to extract, but are important to consider. For example, the cost of providing County social services to inmates and their families is not only the cost of the salary and support services of the Jail Liaison Worker but also the cost of the services provided to the inmate and his/her family. This cost could best be estimated by determining the number of persons and their families who were not receiving any social service program benefits prior to being arrested and then began receiving benefits through contact with the Jail Liaison Worker. The social worker also can begin proceedings to stop welfare payments to persons arrested who are no longer eligible. Unfortunately, this information is not easily retrievable and social service staff is not available to collect it. However, the cost implications of a social worker generating or reducing service requests and thus costs or savings to the County should not be ignored in assessing detention services.

6. Personal Services/Volunteers

One of the most tension-producing impacts of incarceration is the inability to maintain close contact with family members and friends and perform many of the daily living tasks free persons take for granted. Assistance in providing support to inmates and families in these areas is crucial to maintaining a stable detention environment. Training and utilizing volunteers in provision of these, as well as other, services, e.g., religious, library, education, is cost effective and provides involvement of the general citizenry in the corrections system.

References: Title 15, Calif. Admin. Code: MJS 1072
Guidelines, Procedures and Programs, pp. 46-48
NSA, Jail Programs, Chapter 14, pp. 43-46
ACA 5374-5382

Inmate Survey, Contra Costa Detention Facility,
September 16, 1976

Budget/Source: These services are provided through Friends Outside. The Sheriff's Department is the sponsoring agency for an AB 90 grant of \$36,000 for 1980/81. The grant provides the part-time salaries of four people and insurance and telephone expenses. The San Francisco Foundation provided \$13,000 for four months, and the Garrett Foundation provided \$2,000 to develop a youth program for children of inmates. Friends Outside also receives donations of goods and cash.

Description of Services: Paid staff and volunteers assist inmates in maintaining family ties and in accomplishing personal tasks. These services include help with family problems, clothes for court, copying, check cashing, free notary service, purchase of notions, transportation, loans. Friends Outside maintains a work furlough fund at the Richmond facilities whereby inmates may borrow monies for transportation, boots, union dues, or other work-related needs until they receive their first paycheck. At that time, the monies are repaid. This account is only available to inmates in the work furlough program. General support to families in the form of crisis intervention, emergency food, clothing, transportation and emotional support (e.g., women's group, youth program) is also provided. Friends Outside has been operating in Contra Costa County since 1969. The current director has been with Friends Outside since February 1978. She was formerly the volunteer coordinator for a local school district program.

The Friends Outside office is located in a house in downtown Martinez, a few blocks from the new CDF. Office hours are from 9 a.m. to 2 p.m. An answering machine takes messages after the office is closed. Outreach work, jail and home visits are done after 2 p.m. Services are available to inmates at all of the County facilities. Staff and/or volunteers visit the CDF once a day, visiting each housing module twice a week. A volunteer visits the Richmond facilities every other Tuesday evening from 5 p.m. to 7 p.m. A staffmember visits Richmond every Thursday morning. Usually this visit includes a craft project with the women inmates. Visits to the Rehabilitation Center are made by staff on an oncall basis.

Friends Outside operates a voluntary youth program for Contra Costa County children from three to 16 years of age. This program is funded through private foundation grants. Children in the program must have a parent presently incarcerated, on probation or released from custody within a year. The program offers activities such as gardening, sports, picnics, camping, art, theatre events, communications workshops, and depending on age, a Montessori environment program. An intense 15-week individual program written for each child's specific needs will be offered to three children at a time. The individual program and Montessori environment are in the process of being implemented.

Friends Outside has the primary responsibility for recruiting, screening, training and coordination of volunteers for all facilities. Friends Outside volunteers who interview prisoners one-to-one are required to train 15 hours in the Friends Outside office before beginning work. This training covers the criminal justice system, family service, jail visiting and followup, facilities' policies and procedures, communication skills. Other volunteers, e.g., religious, library, education, must receive three hours of training by Friends Outside staff before beginning work. This training covers the rules and procedures for working in the detention facilities.

Since the opening of the new CDF, Friends Outside has run six 3-hour training sessions with a total of 52 volunteers. The majority of these volunteers will work with the chaplain. Background checks are made on all volunteers and, at the current time, these checks take over a month to complete because of a backlog on fingerprint checks in Sacramento. The Detention Division Commander must decide on an individual basis whether a volunteer can begin work before his/her clearance is received.

Volunteers represent diverse cultural and socioeconomic segments of the community. Now that the CDF is open, a more active volunteer recruitment campaign will be launched.

Friends Outside has specific service goals in their AB 90 funding proposal. If service is provided at the current level, they will meet or exceed those goals. Service statistics for the first quarter of 1981 reflect an increase in service to inmates since the opening of the CDF.

Friends Outside
Service Statistics for Six Months, 1980 and First Quarter, 1981

Service	7/1/80 to 12/31/80	1/1/81 to 3/31/81
Interviews	376	482
Inmate requests	550	649
General support/families	116	116
Emergency food	444	141
Clothing/household supplies	102	65
Home visits	130	61
Volunteers	133 people/1253 hrs.	38 people/634 hrs.
Women's group members	17	17
Youth program members	45	45
Donated goods	\$16,660	\$2,707
Cash received	\$ 7,661.35	\$4,019

Issues: The basic services provided by Friends Outside (maintaining family ties and personal tasks) are some of the most critical personal services in a detention facility. Friends Outside services in Contra Costa have been supported by grant funds and donations. As funding criteria for corrections programs becomes more specific, e.g., AB 90, it will be increasingly difficult for this type of service to be eligible for grant funds. It is also very time consuming for the staff of a community-based agency to continually write grant proposals. The Sheriff should consider

inclusion of the basic Friends Outside services (e.g., clothes for court, copying, check cashing, purchase of notions, initial contacting of families) in the Sheriff's Department's budget. These services are provided in a more cost effective way by civilian staff and volunteers than sworn officers.

In addition, some thought also should be given to areas where additional volunteer services would be effective. For example, verification of own recognizance information is handled by volunteers in other jurisdictions.

7. Food

Food prepared for inmates should be nutritionally adequate, produced under sanitary conditions, and reasonable in cost.

References: Title 15, Calif. Admin. Code: MJS Article 11
Guidelines, Health and Sanitation, pp. 27-36
NSA, Food Service in Jails, 1974
ACA 5188-5203

Budget/Source: The Sheriff's Department's food service budget is approximately \$885,545. Food service staff: \$261,399; 1980/81 food budget: \$624,146--\$54,146 Old Jail, \$280,000 CDF, \$240,000 Rehabilitation Center, \$50,000 Richmond facilities. Sheriff's Service Assistants provide food delivery in the CDF. No prorated cost for their services is included.

Description of Services: Each of the County facilities has a central kitchen to serve the inmates and staff in that facility. Three hot meals a day are prepared and served. When staffing is complete, there will be five cooks in the new County Detention Facility, two at the Rehabilitation Center and three at Richmond. Trustys provide the bulk of the labor required for food service in each facility. A civilian food service director was hired in September 1979 by the Sheriff's Department to supervise food service at all County facilities. (Prior to the hiring of the food service director, separate menus were prepared at each facility and were submitted to a nutritionist at the County Health Department for a review of caloric and nutrient value.) The new director has previous program development experience, is a registered dietician and received a master's degree in public health with an emphasis in institutional food.

The majority of the director's time has been spent in developing the food service program for the new jail. No similar systems are operational in other detention facilities around the country, so all original procedures had to be developed. The system involves preplating all food, then cooling it and then delivering it to the modules for heating in microwave ovens. The goals of the new system are to improve the nutritional value of the food served in all facilities (e.g., fruit and salad are provided more often), and maintain a cost effective approach to provision of food (e.g., portion control is being implemented to keep costs down). This particular system was developed because it was reputed to provide for containment of food costs. The kitchen facilities in the new jail are not adequate for the system, given the volume of meals that will be served. There is inadequate freezer, cooler, and dry storage space. Additional cooler space is currently being developed.

The kitchen facilities at the Rehabilitation Center are more than is necessary, and the facilities in Richmond are adequate. Each of these facilities has one dining area where inmates are served. Inmates in the new Detention Facility eat in their modules. Although some food is grown at the Rehabilitation Center, it is not enough to make an impact on food purchasing.

In mid-January 1981, a menu cycle was started for the new Detention Facility and the Richmond facilities. After the cycle has been tested, it will be implemented at the Rehabilitation Center.

8. Work/Education Programs and Services

Introduction: A number of programs and services provided by the Sheriff and community agencies in the County's adult detention facilities are work related and/or educational/vocational education. These programs and services are described in the following three sections.

The major problem in this area is the lack of stated County goals and objectives for work/vocational programming. The program that exists is haphazard. Inmates hold facility maintenance jobs that are important to running the institutions, but the jobs are not connected to classroom instruction or theory and thus are not vocational programs. These jobs rarely teach skills which result in an inmate becoming more employable. Inmates on work furlough reimburse the County room and board expenses but other sentenced inmates do not have the opportunity to earn money so that they could also reimburse the County. The private sector does not participate in any way in the work/vocational education programs. There is also no public works project in the community for adult offenders. Detailed assessment of the useful life of the Rehabilitation Center must await some decisions on the type of sentenced work program County decision-makers are interested in operating.

The County should have a coordinated program of work assignments, vocational counseling, education and training. The average length of stay for sentenced offenders in Contra Costa County is 22 days.* Offenders stay, however, from one day to one year. Expectations regarding the type of program that can effectively be implemented must be tempered by the length of stay, the education and skill level of inmates and the constant turnover experienced in the institutions. These programs should be available in some degree to unsentenced inmates, but the program emphasis should be on sentenced inmates.

The following goals for sentenced programming in Contra Costa County are suggested:

- (1) Inmates should be classified for work/education furlough to the maximum extent possible, consistent with public safety.
- (2) Unemployed work/education program inmates should be assisted in locating work or suitable training.

*Source: March 25-31, 1980 sample of bookings and releases.

- (3) Inmates found guilty of property crimes or crimes against persons should make some type of restitution payments as part of their work furlough agreement.
- (4) Sentenced inmates not classified for work/education furlough should work a 40-hour week in incustody work programs.
- (5) Work and/or training activities should be meaningful, resemble outside employment to the degree possible, and teach positive work skills.
- (6) Sentenced inmates should spend a portion of their time working on public projects.
- (7) Assignments should be available to all inmates.
- (8) Work opportunities should be available equally to men and women.

a. Work Assignments

Inmate work assignments assist in facility maintenance and operation and provide constructive work opportunities. Unsented inmates cannot legally be required to work beyond keeping their living area clean. Work assignments should include employment in public works projects and community projects. Inmates should be paid for work performed beyond personal housekeeping. Work assignments should be directed to inmate vocational needs as well as institutional convenience. Special employment programs should be developed for inmates with mental or physical handicaps.

Reference: PC 4017
Title 15, Calif. Admin. Code: MJS 1060
Guidelines, Procedures and Programs, p. 35
Government Code Section 25359
NSA, Jail Programs, Chapter 9, pp. 30-32
ACA 5343, 5351

Description of Services: All work assignments in the County Detention Facility, except keeping each inmate's housing area clean, are voluntary. Inmate workers (trustys) are selected by the Sheriff's Department personnel to perform kitchen and maintenance chores. Workers receive privileges such as more food, more freedom of movement and up to 72 hours early release.

Most trustys are reported to be sentenced persons; unsentenced persons are not excluded. Trustys in the old jail were all males. It was estimated that 32 trustys would be needed to perform food service, laundry and maintenance in the new County Detention Facility.*

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, IX-10.

Trustys at the Men's Work Furlough Facility and the Women's Sentenced Facility perform kitchen and maintenance tasks.

All inmates at the Rehabilitation Center receive work assignments. Assignments include garden crew, vehicle crew, kitchen duty, litter control, fire crew, office cleanup. Assignments are made by Sheriff's Department personnel. The litter control pays 50 cents a day, and the fire crew pays six cents an hour while fighting a fire.

No other assignments in public works or community projects are available. The implementation of a weekend work program, currently being researched by Sheriff's Department staff, would provide these opportunities (see Phase II: Alternatives to Incarceration).

Issues: Using trustys to perform certain routine facility operations tasks is significantly less expensive than paid staff. However, current correctional literature and guidelines recommend paying inmates a "fair", minimum or prevailing wage for work performed. This recommendation is coupled with suggested wage disposition schemes, e.g., wages are divided between room and board, support for dependents, restitution, savings. Paying inmates for work at something akin to the minimum wage would require legislative change. The Director of the California Department of Corrections is supportive of such a change for State prisoners. A bill to allow inmate workers to receive the minimum wage will be introduced in the State Legislature this year. If inmates are paid for work, the granting of privileges such as extra food, time off sentences, freedom of movement, etc. should be eliminated. A shift to minimum or prevailing wages should be viewed as a gradual process and should be tied to worker productivity.

Sheriff's Department staff is currently looking into other work-related program concepts for sentenced facilities. Three options are being considered. One option is patterned after Correctional Industries which operates in the California Department of Corrections' facilities. Industries are operated onsite and managed by experienced civilian staff. These operations are self-supporting. Industries such as maintenance of County vehicles or upholstery would be feasible to operate in County institutions.

A second option is to have inmates operate their own businesses. This option would require repeal of a California law (PC 2709) which prohibits sale of prisoner-made goods on the open market.

A third option is to encourage private industry to operate businesses within the institutions or to contract for piece work.

All of these options are more feasible if legislation is passed permitting payment of prisoners and the sale of prisoner-made goods on the open market. It is recommended that the Contra Costa County Counsel provide an opinion on the legality of payment of County prisoners and the sale of County prisoner-made goods on the open market.

The County should seek technical assistance from community-based corrections-related projects operating their own businesses, such as the Delancey Street Foundation; the California Correctional Industries Commission, and the American Foundation regarding the feasibility of the proposed work-related options.

b. Education and Vocational Education

In the development of an educational program for adult inmates, available community resources should be utilized. The program should be responsive to inmate needs and educational level and to their length of stay. Courses to eliminate illiteracy, provide social survival skills and prepare students for the GED high school equivalency test should be offered. Opportunities to continue in school programs through education furlough should also be available.

References: PC 4018.5, 1208
Title 15, Calif. Admin. Code: MJS 1061
Guidelines, Procedures and Programs, pp. 35-37
NSA, Jail Programs, Chapter 7, pp 25-27
ACA 5352, 5353, 5357, 5358

Budget/Source:

1979 - 1980 \$46,000 State funding based on average daily attendance
\$12,000 Sheriff's Department budget

1980 - 1981 \$187,000 State funding based on average daily attendance
\$ 26,000 Sheriff's Department budget

State funds cover the salaries of five teachers (two at the Rehabilitation Center, one at the County Detention Facility, and two at the Richmond facilities). Sheriff's Department funds provide management services, instructional materials and equipment.

Description of Services: The County Superintendent of Schools has contracted to provide a number of instructors who provide academic courses within the detention facilities.

This program has been operating since September 1979. Basic academics is offered in the morning, afternoon and night in all the facilities. In general, the method of instruction is individualized. Survival skills, e.g., shopping, budgeting, job hunting exercises, using a checkbook, are integrated into other program components such as basic academics. Needs assessment procedures are used in the areas of math and reading for the majority of incoming students.

A profile compiled during the pretrial facility planning process indicated that the majority of Contra Costa's inmates are under 30 years of age and over half have completed high school.* However, achievement level tests administered to education program participants

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, V-87.

indicated reading grade level scores at 8.0, reading comprehension at 7.0 and math at 6.1.*

An evaluation of the educational program conducted by staff of the Research Department of the Sacramento County Office of Education supplied data concerning the Contra Costa student inmate population. A total of 746 inmates from the Rehabilitation Center, the old jail and the Richmond facilities participated in the education program from July 1979 to June 1980.** Table 1 indicates the sex, ethnic group/race, program, and achievement level of the participants listed in the evaluation report.

Three County prisoners have received high school diplomas since July 1979. One work furlough resident enrolled at Contra Costa Community College. Inmates receive one day off their sentence for every two weeks of class attendance, which is similar to participation in other programs, like the trusty worker program. Pretrial inmates receive no time off as an incentive for school attendance.

The present program is viewed by staff and inmates as a significant improvement over the fragmented program offered through three separate school districts previously. Inmates had consistently positive comments regarding the current program.

At the present time, vocational skills development is not part of the education program. The majority of inmates do have prior work experience, but the experience is in semi-skilled and unskilled positions. A profile of women offenders prepared by Bay Area Quest Program staff in 1976 indicated that while only 10 percent of the women had an identified need for an academic program, the women did have a substantial need for job counseling and training.

Inmates interviewed as part of the evaluation of the education program thought vocational training would be very useful. A vocational education program in food service is currently being developed by the Sheriff's Department and the County Superintendent of Schools. This type of program is suitable for staggered levels of training. For example, for persons whose length of stay is only a few months, units in sanitation and safety, pantry, floors, etc. can be taught. These skills are marketable. Training in other areas such as fry cook require at least a six-month stay. The new Detention Facility kitchen provides a good place for skill development. A recreational food service class will be offered for the women at the Women's Sentenced Facility in Richmond.

Issues: The following issues were raised as recommendations in the evaluation report by the Sacramento County Office of Education and through Master Plan staff inquiry.

*Malvetti, Aniello L., Research Department, Sacramento County Office of Education, Detention Facilities Education Program, Education Report 1979-1980, p. 3.

**Ibid, p. 3.

+ Recruitment for education classes should be more structured. Inmates in the County Detention Facility will receive written material describing available incustody programs. However, written and oral material describing the education classes offered specifically at the Rehabilitation Center and the Richmond facilities should also be available at those institutions.

+ Recruitment for education programs should focus on the sentenced population. It is not economical to provide more than short-term courses, e.g., the health course currently being implemented or topical discussions such as those led by the chaplain for pretrial inmates. It is necessary to have 15 inmates enrolled in a class to pay for the provision of educational services. Pretrial participation cannot be consistent due to involvement with the courts.

+ The area of vocational skills training needs further exploration. Coordination with the Regional Occupational Program is needed. ROP has programs in child care, commercial art, commercial photography, electronics, food service, general office skills, graphic communication, health careers, radio communication, refinery/mechanic/industrial maintenance, refinery operator/process plant, retail merchandising, word processing, building maintenance and accounting. Inquiry should be made regarding providing one or more of these classes onsite at the Rehabilitation Center and the Women's sentenced Facility, as well as participation of inmates in ROP programs on furlough.

+ Education program staff should work with Sheriff's Department Classification Officers in developing a few education/vocational skills interest questions to be included on the revised classification form.

TABLE 1

STUDENT POPULATION (1979-80)

	Jail	Rehabilita- tion Center	Work Furlough Center	All Facilities
ENROLLMENT				
Male	101	409	123	633
Female	22	-	91	113
Total	123	409	214	746
ETHNIC/RACIAL DESIGNATION				
American Indian/Alaskan Native	15	-	2	17
Asian American/Pacific Islander	-	6	-	6
Black (not Hispanic)	46	188	80	314
Hispanic	15	13	11	39
White (not Hispanic)	47	202	121	370
ENROLLMENT BY PROGRAM				
<u>Instruction</u>				
Basic Academics	123	275	191	589
Survival Skills (consumer ed.)	123	30	54	796
Vocational Skills (incl. job seeking skills)	9	93	-	102
<u>Re-entry</u>				
Regional Occupation Program (ROP)	-	-	-	-
General Education Develop. (GED)	12	51	4	67
Junior College	9	-	1	10
INITIAL ACHIEVEMENT LEVEL (Grade equivalent score)				
Reading	7.0	8.6	8.4	8.0*
Reading Comprehension	5.0	8.2	7.8	7.0
Math	5.5	6.7	6.2	6.1

*Achievement scores for all facilities were obtained by averaging the grade equivalent scores for the three facilities.

c. Vocational Counseling and Training

County jail inmates, generally speaking, have few job-seeking skills, poor work histories, motivational problems and a poor self image.

American Correctional Association standards state that, at a minimum, inmates should receive instruction in completing job application forms, conducting job interviews, and assistance in job placement upon release. If possible, vocational training should be offered.

References: PC 4017-4019.3, 4026, 4125-4126, 4130
Title 15, Calif. Admin. Code: MJS 1061
Guidelines, Procedures and Programs, p. 37
NSA, Jail Programs, Chapter 9, pp. 30-32
ACA 5357

Budget/Source: The All County Resource Center (ACRC) provides these services.* The Center received \$250,000 from Department of Labor funds (\$125,000 goes to clients for tuition, stipends, supportive services, books). Cuts at the federal level may jeopardize these funds.

Description of Services: Vocational counseling and training is provided to Contra Costa inmates and ex-offenders through the nine-person staff of All County Resource Center (ACRC). ACRC is funded by the Department of Labor, supervised by the Manpower Department, and is a non-profit CETA agency designed to assist incarcerated individuals and ex-offenders who live in or will be paroled to Contra Costa County, excluding the City of Richmond (Richmond has its own agency). ACRC has been operating for over six years, since April 1975. Vocational services offered include: occupational skills training, basic education, on-the-job training, adult work experience, job search skills training and public service employment. Regular CETA services provided are vocational counseling, job leads, referrals, eligibility determination for "Targeted Job Tax Credit" and emergency assistance.

ACRC staff regularly visit the Richmond facilities (once a week) and the Rehabilitation Center (once a week). Visits to the County Detention Facility are on an on-call basis. Table 2 reflects the outreach services being provided currently in the County facilities by ACRC.**

*Update: All County Resource Center was not refunded for the fiscal year beginning October 1, 1981.

**Memo to Larry Ard, Captain, Detention Division, from Patrice Jensen, Director, All County Resource Center, September 22, 1980, p. 2.

TABLE 2

OUTREACH

June - September 1980

ACRC

<u>Facility</u>	<u>Individuals Seen</u>	<u>Counseling Sessions</u>	<u>Targeted Job Tax Credit</u>
Richmond	32	53	3
Rehabilitation Center	34	47	1
County Jail	3		
<u>Number of Referrals</u>			
Division of Vocational Rehabilitation		5	
CETA		18	
Social Services		11	
Education Development Department		2	

The emphasis is on counseling inmates while they are incarcerated, making appropriate referrals to meet the inmates immediate basic needs and encouraging application to the program for training or job search once an inmate is on work furlough or released from custody.

Clients contacted through outreach services are referred to the ACRC office in Martinez for a Pre-Assessment Workshop. These workshops are held weekly and clients are screened for eligibility, provided with a summary of training and services available, given reading, math, aptitude and vocational preference tests. The client is then referred either to training or a job developer. Classroom training can take from 6 weeks to 9 months. Tuition is paid through CETA funds and clients receive a stipend while in training. Support services, such as legal assistance, transportation and child care are available.

A Job Search Skills Workshop is offered at the ACRC office approximately twice a month. Clients are instructed in interviewing techniques, how to fill out job applications and develop resumes.

ACRC job developers assist clients in finding long-term permanent employment. Job placements are fulltime unsubsidized placements. In 1977-78, ACRC had the lowest cost per placement of any CETA unit. They placed 152 clients at a cost of approximately \$678 a placement.* ACRC also had the highest post-CETA median wage of \$4.93 during 1977-78.

On-the-job training is also available to clients. ACRC provides one-half of the wages for clients being trained by an employer.

*Patrice Jensen, Report to the Board of Directors, East County Resource Center, September 1978.

Information on ACRC client characteristics and service provision follows the discussion of issues.

Issues:

- + Given the short average length of stay for sentenced inmates (22 days), enrollment of inmates in training courses they can continue upon release is most appropriate. There are inmates at the Rehabilitation Center who are ready for job or training placement through ACRC opportunities. An aggressive program by the Sheriff and ACRC staff could regularly identify such inmates and determine if they could be transferred to the program so they could become eligible for these training/job opportunities (see also Phase II: Alternatives to Incarceration).
- + Results from the data collection effort by ACRC to determine if there is a correlation between participation in ACRC's pre-employment/prerelease services and successful participation in training and/or job finding should be shared with the Sheriff's Department, the Criminal Justice Agency, the Board of Supervisors and the County Administrator.
- + In addition to the food service program currently being developed, development of a proposal for onsite vocational training for sentenced inmates should be a high priority. The Sheriff's Department and Department of Manpower staff should explore opportunities for submitting funding proposals to the Department of Labor and also be aggressive in seeking private sector involvement in developing vocational training programs both on and off site.
- + Close coordination of all programs working in this area, e.g., Sheriff's Department, ACRC, Probation Department, County Superintendent of Schools, should be maintained to avoid duplication of effort and to provide a coordinated approach to development of employment opportunities for inmates.

ACRC CLIENT CHARACTERISTICS
October 1, 1979 - September 30, 1980

N=243

A. <u>Sex:</u>	<u>#</u>	<u>%</u>
Male	211	86.8%
Female	<u>32</u>	13.2%
	243	
B. <u>Age:</u>		
14-15	0	0
16-19	43	17.6%
20-21	36	14.8%
22-44	154	63.3%
45-54	7	2.8%
55-older	<u>3</u>	1.2%
	243	
C. <u>Race:</u>		
White (not Hispanic)	105	43.2%
Black (not Hispanic)	88	36.2%
Hispanic	38	15.6%
American Indian/Alaskan	10	4.1%
Asian/Filipino	<u>2</u>	.8%
	243	
D. <u>Family:</u>		
Single Parent	16	6.5%
Parent	21	8.6%
Family Member	18	4.9%
Non-Dependent Individual	<u>188</u>	77.3%
	243	
E. <u>Public Assistance Status:</u>		
None	192	79%
AFDC	22	9%
SSI	2	.8%
G.A.	<u>27</u>	11.1%
	243	

ACRC Client Characteristics (continued)

F. Ex-Offender Status:

Parole	77	31.6%
Probation	92	37.9%
Diversion	2	.8%
Youth Authority	18	7.4%
State Release	1	.4%
County Release	30	12.3%
Unknown	23	9.5%
	243	

G. City of Residence:

Pittsburg	115	47.3%
Antioch	30	12.3%
Other East County	8	3.2%
Concord	20	8.2%
Martinez	16	6.5%
Walnut Creek	6	2.5%
Danville	5	2%
Other Central County	13	5.3%
San Pablo	20	8.2%
Outside Richmond (North)	7	2.8%
El Cerrito	1	.4%
Other West County	2	.8%
	243	

H. Education:

High School Student	15	6.2%
Dropout	102	42%
High School Graduate/GED	114	46.9%
Post High School Attendee	12	4.9%
	243	

I. Special Characteristics:

Limited English Ability	2	.8%
Migrant	0	0%
Handicapped	23	9.5%
Veterans	25	10.3%

ALL COUNTY RESOURCE CENTER

Program Operating Plan - Service Goals and Achievements

Fiscal Year 1979-80

<u>COMPONENT</u>	<u>GOAL</u>	<u>ACHIEVEMENT</u>	<u>%</u>
Applications	225	328	145%
Intakes	150	166	110%
Carry-Overs	<u>34</u>	13	38%
Total	184		
Employment Development Plan	150	166	110%
Job Seeking Skills Training	130	130	100%
Begin Individual Referral	30	60	200%
Individual Referral Carry-Overs	<u>5</u>	<u>5</u>	<u>100%</u>
Total	35		
Complete Individual Referral	17	11	64%
Begin Voc. Ed. Referral	6	10	166%
Voc. Ed. Carry-Overs	<u>6</u>	6	100%
Total	12		
Complete Voc. Ed. Referral	6	4	66%
Begin Adult Work Experience	15	15	100%
Adult Work Experience Carry-Overs	<u>2</u>	2	100%
Total	17		
Complete Adult Work Experience	17	7	41%
Begin On the Job Training	7	7	100%
On the Job Training Carry-Overs	<u>2</u>	2	100%
Total	9		
Complete On the Job Training	9	4	44%
Job Placement-Direct (No Training)	8	7	87%
Job Placement-Indirect (Received Some Training Service)	82	83	101%
Non-Positive	-	82	-
Other Positive	-	4	-

9. Inmate Services and Programs Coordination

A variety of programs and services are provided under the auspices of the Sheriff's Department to inmates incustody in Contra Costa County's adult institutions. Programs emphasize the use of community resources. Coordination of all these activities is the responsibility of the Director of Inmate Services under the Sheriff and the Correctional and Detention Services Advisory Commission.

References: ACA 5011, 5016, 5075, 5273, 5330, 5342, 5352, 5353, 5355, 5357, 5358, 5359, 5360, 5361, 5364, 5382

Budget/Source: The Sheriff's Department budget includes approximately \$30,000/year for a fulltime Director of Inmate Services, 1/3 Intermediate Typist Clerk.

Description of Services: The Sheriff has hired a civilian as Director of Inmate Services. The Director establishes, coordinates, schedules and monitors inmate programs and services in all County detention facilities.

Responsibilities include preparation of a "weekly activity list" which is posted in each housing module in the County Detention Facility.

The Director of Inmate Services is currently developing written material regarding available services and programs. The material will focus on release mechanisms such as CIDS, the Public Defender, etc., and will describe all the services and programs available while incustody. This material is particularly important for inmates at the County's sentenced institutions where there is currently no formal orientation for available programs.

Program personnel meet weekly to discuss any problems in service delivery. Major service providers, e.g., Friends Outside staff, the chaplain, the librarian, Superintendent of Schools staff, Health Services staff, and Probation Department staff, attend these meetings.

These meetings serve as the major coordination mechanism for service providers.

Issues:

+ It is important that detention staff in all institutions read the written material describing available programs and services. As indicated in the evaluation of the education program, custody staff often do not refer inmates to programs because they are unaware of the program's purpose and content.

+ There should be a written procedure describing the method of informing program personnel of custody decisions that effect program and service delivery, e.g., lockdowns.

+ The Correctional and Detention Services Advisory Commission has the responsibility for evaluating incustody programs. Each program has an evaluation component included in the program contract. However, no specific format, data, or schedule has been outlined for individual program evaluations.

The Director of Inmate Services should develop a plan with each service provider. The plans should be submitted to CADSAC for review. CADSAC should develop a plan to study the findings. It is important that service providers list all activities performed and at what point in the criminal justice process the service is provided. The focus of the evaluation should be quality of service, level of service, duplication, appropriateness to population (e.g., unsentenced/sentenced), cost and impact on behavior. As can be seen from the following chart, a number of programs provide similar services. These services are often provided to different populations and the providers have different purposes. For example, the Public Defender Liaison Worker, Probation Department staff and the Health Services Mental Health component staff all locate community placements for the mentally disturbed. However, the population served is not exactly the same and the program purposes are different.

The inventory reports for the Correctional Facilities Master Plan contain the most current data on all services and programs. However, the data is limited. Many of the programs have just recently started providing full service since the new Detention Facility opened. The Director of Inmate Services should have the responsibility for developing ongoing monitoring plans and the findings should be provided by the Sheriff to CADSAC, the Criminal Justice Agency, the Board of Supervisors and the County Administrator. Criminal Justice Agency staff should be asked for technical assistance in plan design.

+ The weekly program meetings are essential to coordinating service delivery. An agenda item for the group, once the new pretrial facility has been operating for awhile, is to assess the different screening mechanisms to determine if unnecessary duplicate screening is being done. The same background data should not have to be collected again and again by different program staff (e.g., CIDS, Health Services, Sheriff's Classification Officers).

SERVICE	PROVIDER												
	Sheriff	Council of Churches	Probation Department	Social Services Department**	County Superintendent/Schools	County Library	Friends Outside	Public Defender	All County Resource Center**	Health Services	Suicide Prevention	Alcoholics Anonymous	Veterans Administration
Substance Abuse Counseling			*							*		*	*
Personal Counseling	*	*	*	*			*				*		
Medical										*			
Library Services						*							
Recreation	*	*			*	*	*						
Social Services			*	*									
Information Referral	*	*	*	*	*	*	*	*	*	*	*	*	*
Reentry Planning			*					*	*	*			
Mental Health Treatment			*							*			
Legal Services								*					
Religious Activities		*											
Personal Services		*					*						
Vocational Counseling/Training				*	*				*				
Education				*	*	*			*				
Release Mechanisms	*		*					*					
Screening	*		*	*				*		*			

**Note: Funding for the social worker provided by the Social Services Department is no longer available; funding has been eliminated for the All County Resource Center. None of the services listed for these providers are presently available.

INCUSTODY PROGRAMS AND SERVICES

ADULT CORRECTIONAL FACILITIES MASTER PLAN

PHASE II

PHYSICAL FACILITIES INVENTORY

February 1981

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I. INTRODUCTION

This inventory of adult detention facilities is organized in two sections. The first section is a review of local booking and holding procedures and those holding facilities presently operated by municipal police departments in the County. Of the 17 policing agencies operating in the County, including the California Highway Patrol, the East Bay Regional Parks District, and BART, 11 agencies maintain some form of holding facility. These are classified by the State Board of Corrections as either Temporary, Short Term, or Type I facilities and are limited to short term detention only. The facilities are maintained by the local agencies for the booking and temporary holding of prisoners pending release, arraignment, and/or transfer to the County Detention Facility in Martinez. The maximum holding period is either nine, 24, or in the case of Type I facilities, 48 hours.

The second section of this report addresses County facilities operated by the Contra Costa County Sheriff's Department. These facilities are considered Type II or Type III facilities by the State Board of Corrections and are designed and operated for the detention of pretrial detainees and persons convicted and sentenced for periods of up to one year in length. Type II facilities are typically designed to house both pretrial and sentenced inmate populations; Type III facilities are limited specifically to the detention of sentenced persons. Currently the Sheriff's Department operates four such facilities including the new County Detention Facility (CDF) in Martinez (Type II), the Men's Work Furlough Facility and the minimum security Women's Sentenced Facility in Richmond (Type III), and the Sheriff's Rehabilitation Center (Type III) located in Clayton. (The old County Jail in Martinez is scheduled to be closed in March 1981. (See Special Report: Use of Old Jail as a Detention Facility.)

II. EVALUATION STANDARDS AND GUIDELINES

A general assessment of the program and service facilities, as well as the structural and mechanical condition of each of the facilities, is included as part of the inventory. This assessment is based largely on standards and guidelines contained in several applicable State and local codes, regulations and guidelines:

Title 15, Chapter 1, Subchapter 4 - California Administrative Code: Minimum Standards for Local Detention Facilities. The State Board of Corrections is responsible for the development and application of minimum standards for the construction and operation of local detention facilities. The State Board, using these standards, is responsible for the inspection of local facilities, establishing bed capacities, and where necessary, recommending remedial action for the purpose of correcting deficiencies in local detention facilities.

1979 Uniform Building Code. The UBC has been adopted by the County as the basic standard for building construction, including planning and design relative to emergency egress, fire resistiveness, light and ventilation as well as basic structural safety. The UBC standards are applicable to all new construction as well as the remodeling/renovation of existing structures.

Board of Supervisors, Contra Costa County, Resolution No. 76/201. This resolution was adopted March 2, 1976 by the County in the matter of establishing County policy regarding the redesign of the new County Detention Facility. The resolution sets out County design guidelines.

In addition to the above codes and standards, there are a number of publications which have been prepared as guides for the planning and design of detention facilities. Some of the most noteworthy are listed below. These publications were utilized as references in the evaluation of the detention facilities:

California State Board of Corrections, Laws and Guidelines for Local Detention Facilities: Part I, January 1974.

American Correctional Association, Manual of Standards for Adult Local Detention Facilities, December 1977.

National Sheriffs' Association, Jail Architecture, 1975.

National Clearinghouse for Criminal Justice Planning and Architecture, Guidelines for the Planning and Design of Regional Correctional Centers for Adults, 1971.

National Clearinghouse for Criminal Justice Planning and Architecture, Guidelines for the Planning and Design of Police Programs and Facilities, 1973.

III. CITY-OPERATED FACILITIES

Booking, holding and release procedures were examined in personal interviews with each of the municipal police chiefs in Contra Costa County. Comments on these matters were also obtained from the California Highway Patrol (CHP) area commander and the administrative heads of the Bay Area Rapid Transit (BART) and East Bay Regional Park District (EBRPD).

Four agencies, Richmond, El Cerrito, Pittsburg and Antioch, have Type I facilities which can hold prisoners up to 48 hours. (Pittsburg, however, does not hold prisoners over 24 hours.) The rated capacity of these four facilities is 56, 11, 9 and 8 respectively. Thus, the Type I city facilities in the County have a maximum approved capacity of 84 (excluding holding and detox areas). Capacity for each sex was not estimated because agencies regularly use cells designated for women to accommodate men during peak periods (and vice versa). However, women from some agencies are now taken directly to Martinez, i.e., Concord, Walnut Creek.

Three agencies, Concord, San Pablo and Walnut Creek, operate short-term confinement facilities which can hold prisoners up to 24 hours. These agencies have a total rated capacity of 42. Four additional agencies, Brentwood, Kensington, Pinole and Pleasant Hill, operate temporary holding facilities which can hold prisoners up to nine hours. These agencies have a total capacity of 18. The only local agencies which do not operate some type of holding facility are Martinez and Clayton, which book directly into the County Detention Facility (CDF), and Hercules which books prisoners at Pinole. The CHP, BART and the EBRPD also do not operate holding facilities and book directly into the CDF.

Suspected misdemeanor and felony offenders are processed differently. Persons arrested on misdemeanor charges are often field or station cited and, if held, are segregated from felons in the holding areas. Pittsburg police also transport suspected felons directly to the County Detention Facility rather than hold them in their jail.

Agency administrators stated that the capacity at local facilities was adequate for current needs. The physical adequacy of these local facilities was assessed as adequate or excellent, except by the chiefs in Brentwood, Pittsburg and Pinole. Those facilities were assessed as poor. (See Table I for a description of local agency holding facilities.)

Two cities have current plans to improve their facilities for holding prisoners. Hercules and Pinole will each include four temporary holding cells in new police headquarters scheduled to be open by 1982.

TABLE 1
LOCAL AGENCY HOLDING FACILITIES

	TEMP. 9 hrs. or less	SHORT- TERM 24 hrs. or less	TYPE 1 48 hrs. or less	DATE BUILT	RATED CAPACITY	TYPE HOUSING		ASSESSMENT PHYSICAL ADEQUACY	CAPACITY	NUMBER HELD FOR ARRAIGNMENT		
						SNGL OCCU- PANCY	MULTI OCCU- PANCY			MONTH OF MARCH		
										1978	1979	1980
ANTIOCH			X	1970	8	X	X	Adequate	Adequate	16	13	36
BRENTWOOD	X			1963	2	X		Poor	Adequate	0	0	0
CONCORD		X		1955 Updated 1968	21		X	Adequate	Adequate	28	48	66
EL CERRITO			X	1960	11		X	Excellent	Adequate	47	49	69
KENSINGTON	X*			1971	2			Adequate	Adequate	0	0	0
PINOLE	X			1971	1 - 2	X		Poor	Inadequate	0	0	0
PITTSBURG		X		1961	9		X	Poor	Adequate	0	0	0
PLEASANT HILL	X			1981	12	X		Excellent	Adequate	0	0	0
RICHMOND			X	1950	56	X	X	Adequate Operate w/variance	Adequate	180	191	208
SAN PABLO		X		1978	3	X		Good	Adequate	0	0	0
WALNUT CREEK		X**		1980	12	X		Excellent	Adequate	0	0	0

*Use El Cerrito for violent persons.

**Meets Type 1 physical standards but will not staff to Type 1 specifications.

No administrators expect any change in their booking, holding or release procedures as the new CDF becomes operational.

Agencies fall into one of three prisoner booking, holding and transportation patterns:

- (1) In Antioch, El Cerrito, Richmond, Concord, and Walnut Creek, persons are:
(a) arrested in the field, (b) field cited or taken to the station and booked, (c) released through bail, promise-to-appear citation, PC 849b (insufficient evidence), or are held until a formal complaint is received from the District Attorney and are then transported to Municipal Court. If arraignment will not be held within 24 hours (excluding weekends and holidays), prisoners from Walnut Creek and Concord are taken to the County Detention Facility prior to arraignment. Females in Walnut Creek are taken directly to the CDF if not released locally at the time of arrest.
- (2) In Brentwood, Clayton, Hercules, Kensington, Pittsburg, Pleasant Hill, Pinole and San Pablo, persons are arrested in the field/(cited), booked at the local agency/(released) and transported to the CDF or another local facility. Depending on the time a person is arrested, Pittsburg and San Pablo officers may deliver prisoners directly to Municipal Court.
- (3) EBRPD, BART, the CHP and Martinez officers make an arrest in the field/(cite) or transport directly to the CDF for booking, holding and other release processing.

Only one local agency houses sentenced prisoners. Mt. Diablo Municipal Court judges sentence approximately two to three persons a month to serve one day or one day for several weekends in the Concord City Jail. Such persons are usually convicted of petty theft and have a prior conviction. The Concord police chief has asked the judges to discontinue this practice because the city jail does not meet Board of Corrections specifications for holding sentenced prisoners.

Officials from a number of cities have expressed to County officials their desire to discontinue their jail operations. These cities are El Cerrito, Richmond and San Pablo in West County, and Pittsburg and Antioch in East County. City jail operations are an optional municipal service (PC 4004.5), and escalating municipal costs, together with potential liability costs, have led city police chiefs and managers to support the assumption by the County of responsibility for the holding of all prisoners. No city is currently planning to close a facility. The cost in transporting prisoners to the CDF and the increase in time lost on patrol by officers transporting prisoners offsets, for some agencies, the savings realized through jail closure. (An arrestee is the responsibility of the arresting jurisdiction until the person is arraigned in Municipal Court. Thus, if an agency closed its holding facility, agency staff would be responsible for transporting prisoners to the CDF for booking and holding and then picking them up in Martinez and transporting them to Municipal Court.)

Recent negotiations took place regarding transferring the operation of the Richmond City Jail to the Sheriff. This effort, as well as previous efforts, have not resulted in such a transfer because a satisfactory agreement could not be reached on allocation of financial responsibility between the cities and County. City of Pittsburg officials are currently discussing with the Sheriff transferring the operation of the Pittsburg jail to the County.

Transportation issues and satellite facilities operated by the Sheriff were discussed with each police chief. If the Sheriff operated a satellite booking

and holding facility in Pittsburg, the cities of Antioch, Brentwood and Clayton would deliver their arrestees directly, without booking, to the Pittsburg facility. If the Sheriff operated a satellite booking and holding facility in Richmond, the cities of El Cerrito, Pinole (possibly) and San Pablo would deliver their arrestees, without booking, to the Richmond facility. Kensington would book first and then deliver to Richmond. BART and EBRPD would deliver their arrestees, without booking, to the facility nearest arrest. Concord, Hercules, Pleasant Hill and Walnut Creek would continue with their current holding procedures. County operation of any city jail would not eliminate any local agency sworn staff positions. Most of the cities utilize on-duty communications dispatchers, patrol officers and watch commanders to periodically check on the security of the jail and the conditions of the inmates. Nine civilian staff positions in Richmond would be eliminated if operations were transferred to the Sheriff (a savings to Richmond of approximately \$200,000 annually). There would be city budget cost savings from elimination of jail operations for Antioch (\$6,000 - \$7,000), El Cerrito (\$10,000), San Pablo (\$3,000), Richmond (not supplied by the city but estimated at \$125,000) and Pittsburg (\$50,000).

A recommendation in support of the Police Services Committee position to develop a prisoner transportation system under the direction of the Sheriff was made in the Phase I report of the Correctional Facilities Master Plan. Such a system would not reduce the number of sworn positions needed in any local police agency, but because patrol officers would no longer transport prisoners, it would increase the time spent on patrol in most local jurisdictions. A prisoner transportation system does not, in terms of cost, substantially assist the cities of Antioch, El Cerrito and Richmond because some level of service would be required in their jails. A number of chiefs said if the transportation system were operational, they would release their prisoners to the Sheriff without booking, if fingerprints and photographs from the booking process were returned to their agencies quickly. Several chiefs suggested some sort of prebooking at the local agency, with full booking to be completed by the Sheriff.

IV. Evaluation of City-Operated Facilities

As part of the Master Plan inventory of facilities, an on-site physical assessment was conducted of two of the existing city-operated holding facilities located in the County. These facilities, the Richmond and Pittsburg City Jails, were reviewed in somewhat more detail than other city facilities because of the ongoing interest which has been expressed regarding the establishment of a County-operated satellite booking and holding capability in the East and West County areas. Previous studies have been conducted to determine the feasibility of incorporating either or both of these facilities within a Countywide network of facilities operated by the Sheriff's Department. As indicated previously, both facilities are presently classified as Type I facilities by the State Board of Corrections, and both are located in close proximity to district municipal courts. (See map of local agency holding facilities and municipal court locations.)

A. Pittsburg City Jail

The Pittsburg City Jail, constructed in 1964, is located in the Pittsburg Civic Center complex at 55 Civic Avenue. The facility occupies a portion of the Police Administration Building, a single story structure which serves as the headquarters for the Pittsburg Police Department. The detention facility is classified as a Type I facility by the State Board of Corrections. The rated capacity, based on State standards, is eight persons.



Map 1: Municipalities with Police Agencies, Local Holding Facilities, Municipal and Superior Courts

- Police Agencies without Holding Facilities
- Police Agencies with Holding Facilities
- Municipal Court
- ▲ Superior Court

Although the facility was originally designed, and is still classified by the Board as a Type I facility, it is presently used by the Department for short-term detention only; detainees are typically not held overnight in the facility, but transferred instead to the County Detention Facility in Martinez.

Living Areas: That portion of the building in which the detention facility is located is approximately 3,000 square feet in floor area, including the housing area, a small booking room and holding cell, and other support areas. The housing area comprises approximately 2,400 square feet of this overall area.

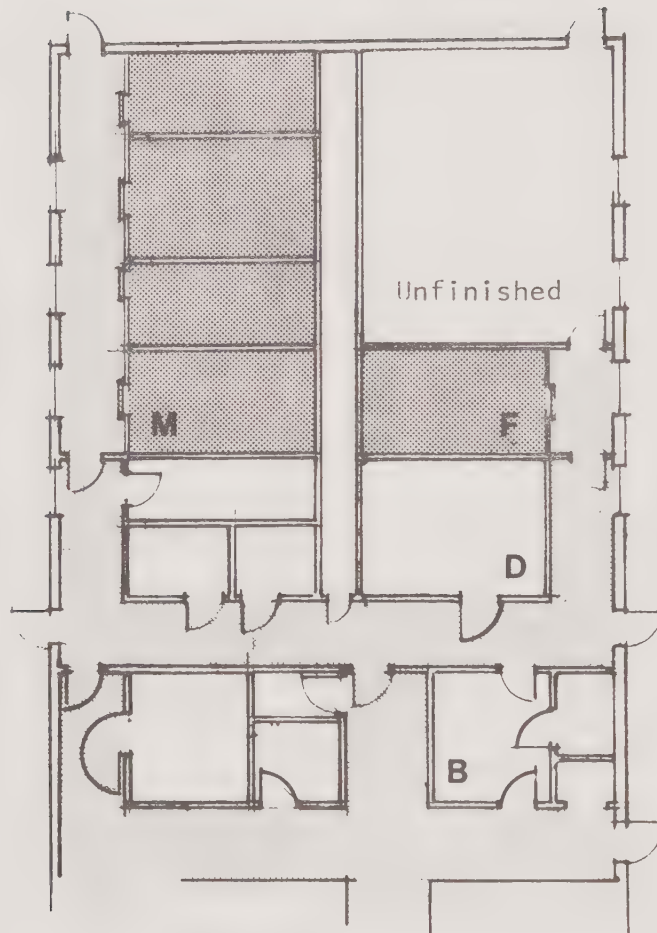
As illustrated in Figure 1, the holding cells are arranged in the interior of the building, divided in two sections by a central utility core. The larger of the two sections contains four cells assigned to male detainees. Currently, only three of the four cells are utilized--two larger cells of approximately 120 square feet and one of approximately 90 square feet. These cells were originally equipped as four-person and two-person cells, twice the rated capacity based on current State Board of Corrections standards.

The female section, containing one multiple occupancy cell of approximately 120 square feet, has a rated capacity of two persons. Approximately 480 square feet of floor area in this portion of the building was originally planned for additional holding cells, although the area was never equipped for use and is presently unoccupied.

In addition to the male and female housing, the area contains a detoxification cell, a safety cell, and separate shower room. Neither the safety cell nor the shower are utilized by the Department.

Support Areas: The reception and booking area consists of an approximately 90 square foot room and adjacent holding cell, located near the northwest entrance to the building. Adjacent to the booking room on the hallway is an approximately 60 square foot area originally planned as an officer's station. This area is not presently equipped as a workstation and is not in use. An additional small room located off the entrance corridor is utilized as an interview room; there are no other visiting facilities. The facility has no food preparation or medical facilities.

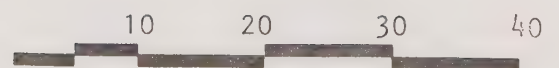
State Board of Corrections Inspection: The State Board of Corrections, based on an inspection of the facility conducted in April 1979, cited the lack of visiting facilities and an audio monitoring system as two aspects of the facility in non-compliance with current minimum standards. The cost, estimated by the Board, for correcting these deficiencies was set at \$7,020. In addition, the report cited the use of double-occupancy cells as a violation of current recommended standards. At the time of the site visit, conducted in December 1980 as part of this study, the audio monitoring system was reported in operational condition.



Key

- M Males
- F Females
- D Detoxification Cell
- B Booking

Figure 1



Pittsburg Jail

Evaluation

Consideration has been given in recent years to consolidating booking and holding procedures for East County communities as part of a County-operated system of satellite facilities. The most recent studies, conducted by the Sheriff's Department, evaluate the potential costs associated with establishing such a program, utilizing the Pittsburg jail as a booking facility for the Antioch, Brentwood and Pittsburg police departments.¹ In light of these proposals, there are a number of characteristics of the facility which should be considered in more detail if, in fact, such a program were to become operational. For purposes of discussion, the following assumptions have been made regarding the operation of the proposed satellite facility:

- 1) It is assumed that the consolidated East County facility would be staffed and operated by Sheriff's Department personnel. A five-person 24-hour shift has been proposed as the staffing level necessary to operate the facility.²
- 2) The facility would be operated as a Type I facility. Arrestees would be booked and processed at the facility. Persons not qualifying for release prior to arraignment would be held at the facility for a maximum of 48 hours (excluding weekends and holidays). All persons requiring periods of detention greater than 48 hours would be transported to the County Detention Facility in Martinez. The Pittsburg facility would not be utilized for sentenced inmates.
- 3) Based on projected average daily bookings and the numbers of persons transported by the three major agencies to be consolidated, the facility would be expected to process an average of 8.28 persons per day for the 1980-81 period.³ It is projected that an average of 1.85, or slightly less than two individuals, per day would be transported to the County Detention Facility. The estimated average daily population of the facility, based on a combined total recorded for the holding facilities presently maintained by the individual departments, is expected to be three males and 0.5 females.

Based on these assumptions, there are several points which should be made regarding the proposed use of the facility:

- 1) Inadequacy of administrative and operational support facilities: The jail, as originally designed, is a component of the Pittsburg police Department Headquarters Building. There are no administrative or staff support areas separately available to the jail. In the event the facility were to be operated independently, as a function of the Sheriff's Department, provisions would have to be made to allocate some additional administrative and support space to the facility.
- 2) Functional conflicts with police department activities: There are presently no separate public reception and waiting areas associated

¹Sheriff's Department Inter-office Memo, July 16, 1980.

²Ibid.

³Ibid.

with the facility other than those which are part of the police administrative offices. In lieu of sharing the use of these areas and associated personnel, a separate means of public access would have to be established. Such modifications would be essential if the public activity associated with the jail is to be conducted independently of the police department functions.

- 3) Lack of visiting facilities: There are presently no secure visiting facilities; the room currently utilized for attorney interviews is inadequate for the use.
- 4) Minimal reception and booking facilities: While the anticipated number of bookings is relatively small, the present facilities are extremely limited; it would be difficult, without expanding the facilities available, to process more than one person at a time.
- 5) Inadequate detoxification facilities: The nature of the existing facilities would preclude the establishment of a proper detoxification program.
- 6) Limited housing accommodations: While the facility is presently equipped for a total of 16 persons, its rated capacity is half that number. There are several double-occupancy cells, a housing situation discouraged by current standards. In addition, the configuration of the housing and its relationship to administrative areas makes surveillance difficult. There are limitations on the degree of separation which can be achieved between male and female prisoners. The facility presently has no separate areas for juveniles, although juveniles are presently held, when necessary, in the cell normally utilized for females.
- 7) Lack of support facilities: There is presently no space available for the preparation of inmate meals; provisions would have to be made to provide for this service.

Estimated Operating Costs: The costs of upgrading the facility to meet the program requirements of a Type I satellite booking facility, such as that contemplated, would vary considerably depending on the extent of the building renovation program undertaken. Preliminary estimates, made by the Sheriff's Department in 1980, indicate an equipment and operating budget of approximately \$185,000 per year.⁴ These estimates do not include any significant modifications or additions to the facility, such as those mentioned above.

B. Richmond City Jail

The Richmond City Jail, constructed in 1951, is located in the Richmond Civic Center complex at 27th and Barrett Streets in central Richmond. The facility occupies a portion of the second floor of the Hall of Justice Building, a two-story structure which also houses the administrative and operational headquarters of the Richmond Police Department. The facility is operated by the Department for the booking and short-term holding of persons awaiting arraignment in the Bay Municipal Court. All persons requiring periods of detainment exceeding 48 hours are transferred to the County Detention

⁴ Ibid.

Facility in Martinez. The facility is classified as a Type I facility; it was originally designed for 80 inmates and is presently rated for a capacity of 56 persons.

Living Areas: The facility contains a total of approximately 6,500 square feet of floor area including reception and booking, living and support areas. The housing area is approximately 4,600 square feet. As illustrated in Figure 2, the living area is divided in two sections by a central utility core, with separate sections designated for males and females. Within each section, separate cells and dayroom areas are designated for juveniles and adult misdemeanants and felons. Within the area there is also a separate cell designated for an inmate worker, a detoxification cell, a safety cell (no longer in use), and two administrative segregation or isolation cells.

Support Areas: The reception and booking area, including an open officer's station, is approximately 600 square feet in area. There is a single holding cell. The booking area is reached directly by elevator from the ground floor entrance to the building. Remodeling work currently underway includes improvements to a sally-port entrance at the reception and booking area on the second floor.

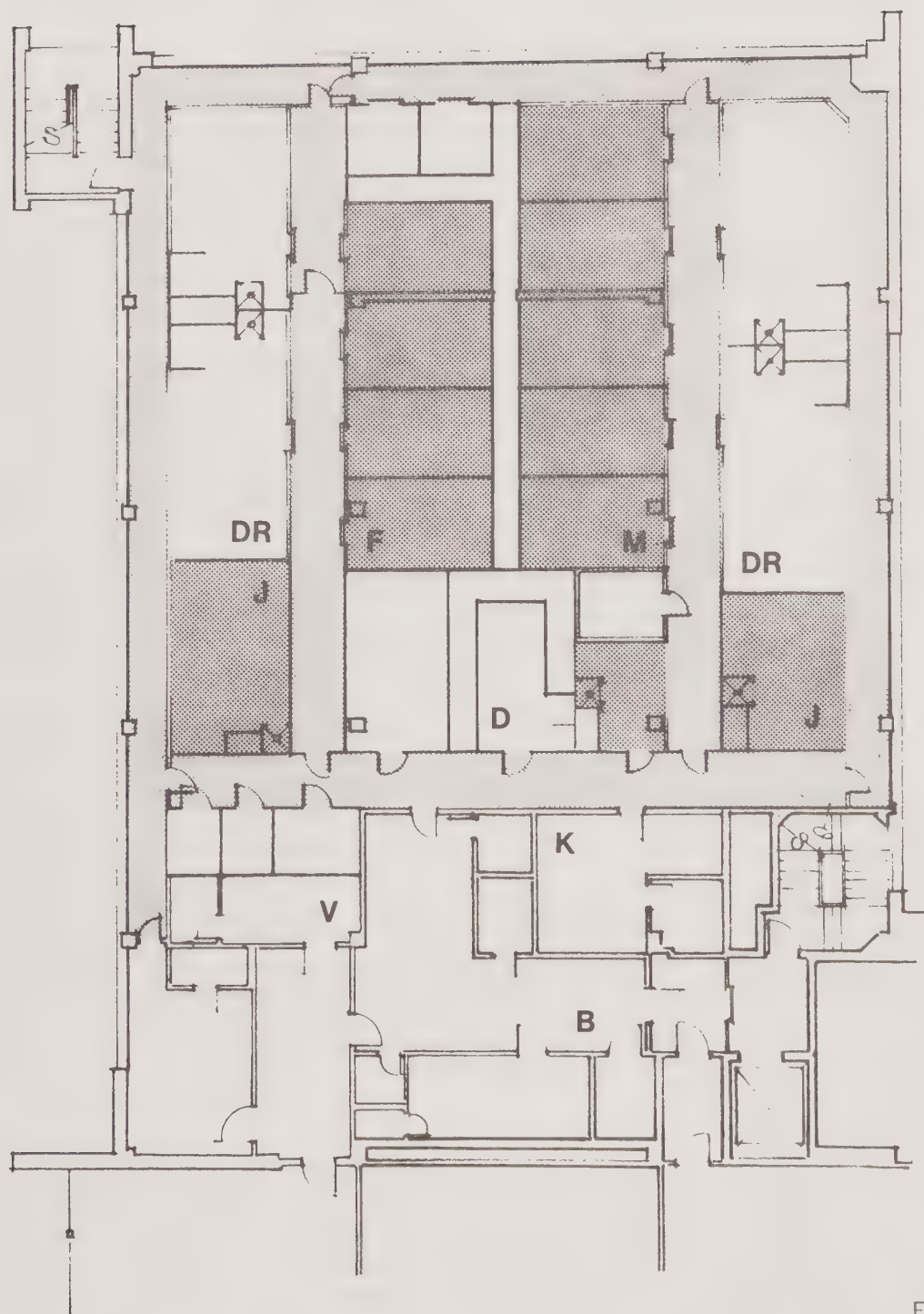
Non-contact visiting facilities are provided, with separate male and female areas. A separate station is provided for attorney interviews. There is a separate public entrance to the visitor waiting area from the main floor lobby on the first floor of the building.

Additional support facilities are limited. Food service and storage, located in the housing area, is equipped only for the heating of prepared frozen dinners. There are no medical facilities.

Fire and Life Safety Violations: The City of Richmond is under order by the State Fire Marshal's Office to correct certain deficiencies relative to fire and life safety. Plans have been prepared for the work necessary to upgrade the fire resistiveness of particular separating walls and to improve emergency egress. A separate emergency egress stair is being constructed to provide a second means of egress from the housing area and a new keying system is being installed to facilitate the evacuation of inmates in the event of emergency.

Evaluation

For a number of years, consideration has been given to the operation of the Richmond City Jail as a satellite of the County Detention Facility. As a County facility, proposals have been considered for utilizing the existing jail as a Type I, or possibly a Type II, facility operated as an adjunct of the Sheriff's Department. As a Type I facility operated by the Sheriff's Department, the jail would continue to fulfill much the same role that it does presently as a municipally-operated facility. As in the case of the Pittsburg Jail, previously discussed in conjunction with the East County area, there would be the opportunity for some consolidation of local booking and holding procedures in the West County area as well. Currently the cities of Kensington, San Pablo, Pinole and El Cerrito have expressed interest in utilizing the facility if such a consolidation should take place. El Cerrito, which presently operates a holding facility, reports an average daily population of two males and one female in that facility. San Pablo reports an average daily population of less than one male. The



Key

- M Males
- F Females
- J Juveniles
- DR Dayroom
- D Detoxification Cell
- K Kitchen
- V Visiting
- B Booking Area

Figure 2



Richmond Jail

Richmond Jail, as it is presently operated, reports an average daily population of 22 males and 3.3 females.⁵

If utilized as a Type II facility, a portion of the jail would be designated for assignment to sentenced inmates from the West County communities. As a Type II facility, the jail could be utilized for longer term pretrial detention as well as persons sentenced to periods of confinement of up to one year in length.

Because consideration has been given to both options, both will be discussed as they relate to various characteristics of the facility:

- 1) Limited administrative and operational support areas: As in the case of the Pittsburg Jail, the Richmond Jail is an adjunct to the municipal police department headquarters and, while there are some administrative and support areas immediately available to the jail operation, it is unlikely that the available space would be sufficient to support the independent operation by the Sheriff's Department personnel. Some additional area would, in all likelihood, be needed to provide for administration, records, and staff support functions. Due to the increased need for correctional programming, this situation is likely to be even more difficult if the facility is converted for use as a Type II facility.
- 2) Restricted reception and booking facilities: Because of its second floor location, transfer of detainees into and out of the facility is unnecessarily complicated. Some changes are presently being considered to improve the present arrangements; however, reception and booking facilities on the second floor are extremely limited and could not, without some additional allocation of space, be considered adequate for the number of persons processed.
- 3) Restrictions posed by existing living accommodations: As originally designed and constructed, individual cells or groups of cells are divided into separate sections for male and female, adult and juvenile, felon and misdemeanor detainees. There is not, however, complete visual or audible separation between many of the designated areas. It would be impossible, without significant modification to the structure or limitations on the categories of inmates housed, to achieve the necessary separation of inmate types. The segregation of sentenced and unsentenced inmates, if the facility were to be utilized for sentenced inmates, would be extremely difficult.
- 4) Limitations on correctional program space: If further consideration is given to pretrial detention or to housing sentenced prisoners, it must be realized that the facility is extremely limited with respect to recreational or correctional program space. The dayrooms within the living areas are not suitable for use as correctional program space, and would not, by current standards, meet the requirements for use as dining areas. There is presently no opportunity for outdoor recreation or exercise.

⁵State Board of Corrections, Report of Inspection of Local Detention Facilities to the California Legislature, March 1980.

- 5) Limitations on expansion: As indicated earlier, the jail occupies a portion of the second floor of the Hall of Justice Building, one of a series of buildings in the Richmond City Civic Center complex. It is extremely unlikely that significant additions or modifications to the facility would be feasible, given the present utilization of space and the structural problems likely to be incurred.

Estimated Operating Costs: Cost estimates have been made by the Sheriff's Department for the purpose of determining the anticipated remodeling, operating and personnel expenses associated with operating the Richmond Jail as a West County Satellite Jail.⁶ These estimates vary, depending on certain optional reductions in expenditures, from \$916,000 to \$1,379,000 for the necessary remodeling, equipment and furnishings, operating and personnel expenses. Excluding the necessary remodeling work, which has already been undertaken by the City of Richmond, these estimates are reduced to a range of \$491,000 to \$879,000. These would be first-year or "start-up" costs; estimates for the second year, which include operating and personnel costs only, total approximately \$309,000.

The remodeling work, required by the State Fire Marshal's Office, is presently underway and scheduled for completion in May 1981; construction costs will be approximately \$130,800. This work will be limited to correcting those aspects of the facility which are currently in violation of fire and life safety codes.

V. Evaluation of West and East County Satellite Booking and Holding Options

There are basically three booking, holding and transportation alternatives under current consideration: (1) continuation of current holding and transportation procedures, (2) the operation by the Sheriff's Department of satellite booking and holding facilities in East and/or West County, (3) closure of city-operated facilities and transportation of prisoners to the CDF in Martinez.

Alternative #1 - Continuation of current booking, holding and transportation procedures: Current procedures are efficient in that almost all arrestees are processed locally. There is some transportation duplication between the Sheriff's Department and local agencies in shuttling prisoners, and the cost of prisoner transportation to some cities is significant. The major problem is the cost to local jurisdictions of operating and maintaining city jails and the potential liability costs.

Effort should be made on the part of the County to negotiate with local jurisdictions a booking, holding and transportation arrangement that still provides for the release of arrestees locally, reduces city holding and transportation costs, but does not significantly increase County costs.

Alternative #2 - Operation of satellite booking and holding in West and East County by the Sheriff's Department: This alternative is supported by local law enforcement administrators. Cities in East and West County would no longer have jail operation costs, including jail liability costs. However, no cost savings are realized. The cities would reduce their jail operation cost, but the Sheriff would assume those costs. There would be no

⁶Sheriff's Department, Op. cit.

reduction in any city of sworn positions, although Richmond would cut nine civilian staff positions. The Sheriff would staff the satellite facilities with sworn staff at an additional annual personnel cost of approximately \$288,040. (Personnel costs at Pittsburg and Richmond, minus the cost of the nine civilian Richmond staff.) There is also no increase in housing capacity realized through such an arrangement. Basically, this alternative shifts the local prisoner processing task to the County without a corresponding reduction in city budgets.

Alternative #3 - Close city jails and deliver arrestees to County Detention Facility in Martinez: East and West County police agencies have not selected this alternative because of transportation time and cost. The CDF would also become overcrowded immediately if cities delivered all their arrestees to Martinez. In arriving at a bed capacity figure for the new jail, it was assumed that the cities would continue to operate holding facilities and continue using existing release practices. It is also important that cities have some financial accountability for the number of people they bring into the system. If cities close their holding facilities, a strong financial incentive to release arrestees quickly is lost.

A fourth alternative, combination of #1 and #3, however, should be seriously considered. Many arrestees can be released soon after arrest with minimal processing on a field citation, or from the jail on a written promise to appear. Virtually all (75% - 95%) arrestees will be released in four to six hours (including drunks when they become sober), using release mechanisms such as bail or PC 849b. It is not efficient to spend up to two hours transporting each of these prisoners to the County Detention Facility. Also, for the convenience of citizens, this processing should be accomplished at the local level. If local agencies with holding facilities operated a nine-hour maximum holding facility, the release process could be accomplished and only those persons being held for court would have to be transported to Martinez.

A transportation system utilizing a combination of city police agency personnel and Sheriff's Department personnel should transport from the local jails to Martinez. The Sheriff should be responsible for all court transportation. The cities should reimburse the County for transportation services based on a negotiated cost fee basis (see Phase I Master Plan report, p. 16, for a discussion of transportation recommendations).

This alternative reduces the city's degree of liability exposure; provides for development of more flexible and less expensive staffing arrangements, such as elimination of overnight supervision staffing. Such arrangements would be facilitated by the development of scheduled Sheriff's pickup and more adequate detox facilities in West County. (Intoxicated persons need supervision for humanitarian and liability reasons.) This alternative does not decrease the level of service to citizens.

Nine-hour maximum holding facilities are not subject to State standards. Under this alternative, there would be some increase in transportation costs; however, such increases could be eliminated if incustody arraignments for all the municipal court districts were held in the Martinez courthouse. Arrestees transported to Martinez would also have the more extensive services offered at the County Detention Facility, e.g., prearrest reports, medical services.

The Martinez jail may experience overcrowding in the near future, particularly if additional persons are brought from local holding facilities. The number of persons held for arraignment in March 1980 by all agencies who hold persons until their first court appearance was 379. This would be an approximate increase of 13 people a day brought to the Martinez jail (see Table 2).

TABLE 2
NUMBER OF PERSONS HELD FOR ARRAIGNMENT
MONTH OF MARCH 1980

	<u>1978</u>	<u>1979</u>	<u>1980</u>
Antioch	16	13	36
Concord	28	48	66
El Cerrito	47	49	69
Richmond	180	191	208

(It should be noted, however, that arrest activity is cyclical throughout the week, with weekend arrests being nearly double the number being made on weekdays. The number of arrests also tend to occur more frequently during certain hours on the busier days. There are also other factors which influence the jail population. Experienced law enforcement officials recognize, for example, that both the availability of prisoner holding facilities and the convenience of transportation will often influence the arrest decisions of patrol officers. Decisions concerning release are likely to be based on the availability of prisoner holding space.)

The operation of the Pittsburg and Richmond jails by the Sheriff's Department does not provide the County with any new bed capacity. Both jails would require significant alterations if they were to be operated by Sheriff's Department personnel.

Thus, in summary, it is recommended that cities continue using current booking and release procedures. However, cities with holding facilities should only hold prisoners for a maximum of nine hours. Persons held for arraignment would be transported to Martinez. If all incustody arraignments are held in the CDF, additional transportation costs to the cities would be minimal. The increase in capacity at the Martinez facility would mean that additional pretrial space would have to be located sooner than anticipated; e.g., sentenced persons might have to be moved out of the Martinez facility. However, the population impact is not significant if compared to local agencies transporting all arrestees to Martinez. This option reduces cities' cost and liability exposure and does not significantly increase County costs.

VI. COUNTY-OPERATED FACILITIES

With the opening of the new County Detention Facility in Martinez, all of the County's detention programs, with the exception of the Sheriff's Rehabilitation Center, will be housed in new, or almost new, facilities. Each of the new facilities, including the new County Detention Facility (1981), the Women's Sentenced Facility (1978) and the Men's Work Furlough Facility (1976) is an example of contemporary correctional program standards; each is in full compliance with current State correctional standards and with current building, fire and life safety codes. Each is well designed and equipped to serve the particular program functions housed.

With respect to the new County Detention Facility, because it has only recently been completed and is presently only partially operational, there is little or no basis for evaluating its operational characteristics. Because many of the concepts which have been incorporated in the facility are new, it is anticipated

that there will be much interest in the future operation of the facility. For this reason, as part of the current planning process, efforts will be made at a later date to evaluate the functional attributes of the facility.

A. County Detention Facility at Martinez

The new County Detention Facility, located in the County Civic Center in Martinez, is a 386-bed, Type II facility, designed to replace the old County Jail and serve as the County's main intake and pretrial detention facility. It will also serve those sentenced prisoners who do not qualify for the County's other sentenced facilities. The structure includes one municipal and one superior court, with necessary support facilities.

The detention complex, illustrated in Figures 3 - 7, includes: (1) the main intake center (intake and release, alcohol recovery, pretrial release functions); (2) medical examination and treatment unit; (3) male and female housing units (pretrial and sentenced); (4) administrative offices; (5) central program areas (libraries, counseling); and (6) support functions (kitchen, laundry, mechanical areas).

Housing/Bed Capacity: A detailed breakdown of the housing and bed capacity of the facility is presented in the following table:

<u>Unit/Function</u>	<u>Number of Beds</u>
Intake/Release (Q Module)	41 beds
Medical Treatment (M Module)	30
Inmate Worker Housing	30
A Module/Unsentenced Men	46
B Module/Unsentenced Men	45
C Module/Unsentenced Men	46
E Module/Sentenced Men	45
F-A Module/Unsentenced Women	34
F-B Module/Sentenced Women	12
F-C Module/Women/Disciplinary	4
D-A Module/Men/Disciplinary	32
D-B Module/Men/Protective Custody	12
D-C Module/Juvenile	9

Excluding the special housing modules (intake, medical and separation/disciplinary), the facility has a "regular" bed capacity of 137 beds for pretrial male detainees and 34 beds for females. It will provide housing for sentenced inmates totaling 75 beds for males (including inmate workers) and 12 beds for females.

Inmate Program Areas: Two library/classroom/counseling centers are provided in close proximity to the regular housing units. Modules A, B, and C (unsentenced men) have shared access to one program area, and Modules F (females) and E (sentenced men) will be scheduled for shared use of the other program area. With the exception of these shared facilities, the individual housing modules have been designed to function as self-contained units. Each unit (including intake, medical, and disciplinary) has separate visiting facilities, dayroom/dining area, and outdoor recreation facilities. Meals will be served in each unit, transported from the central kitchen.

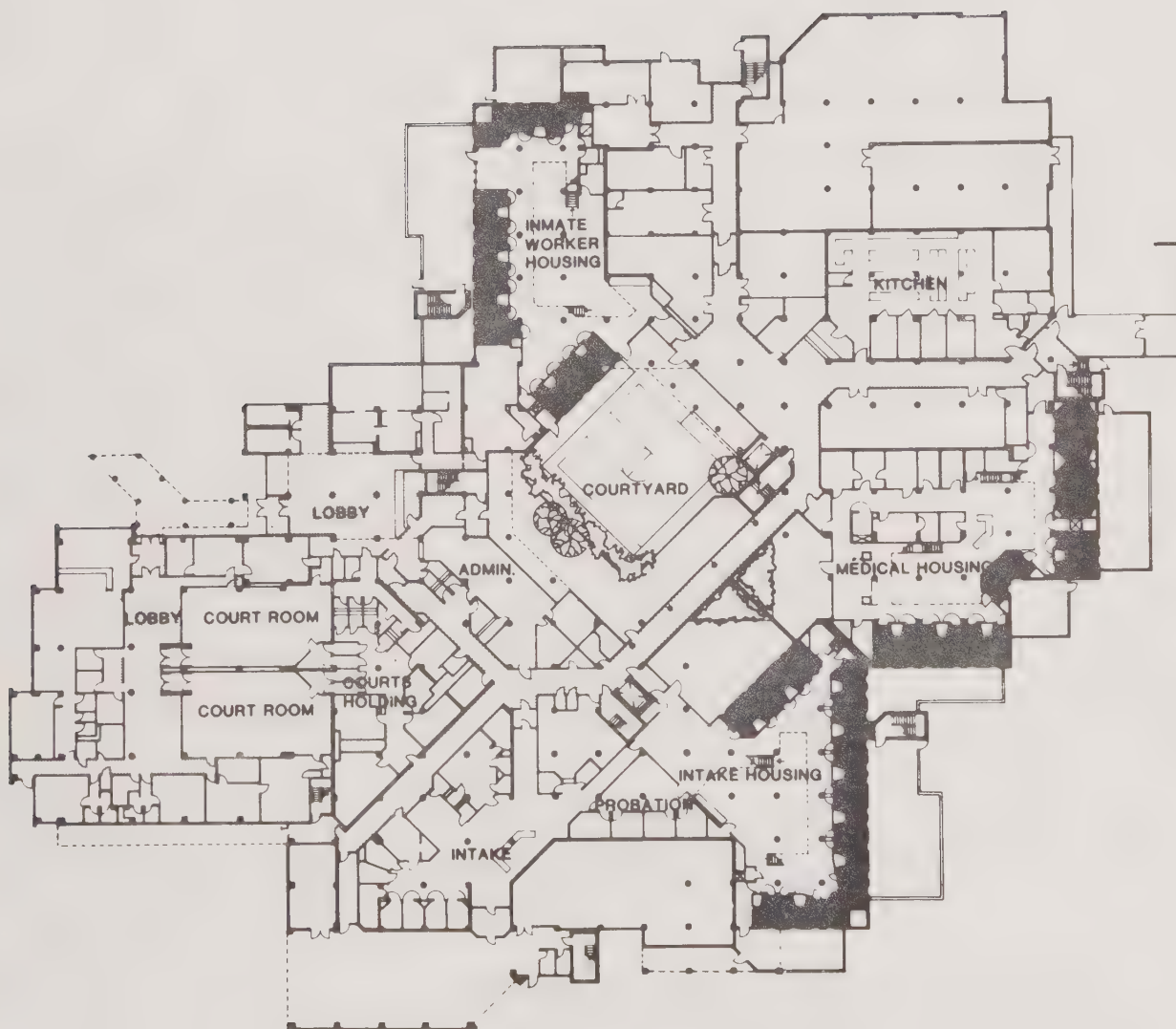


Figure 3

County Detention Facility

Main Floor

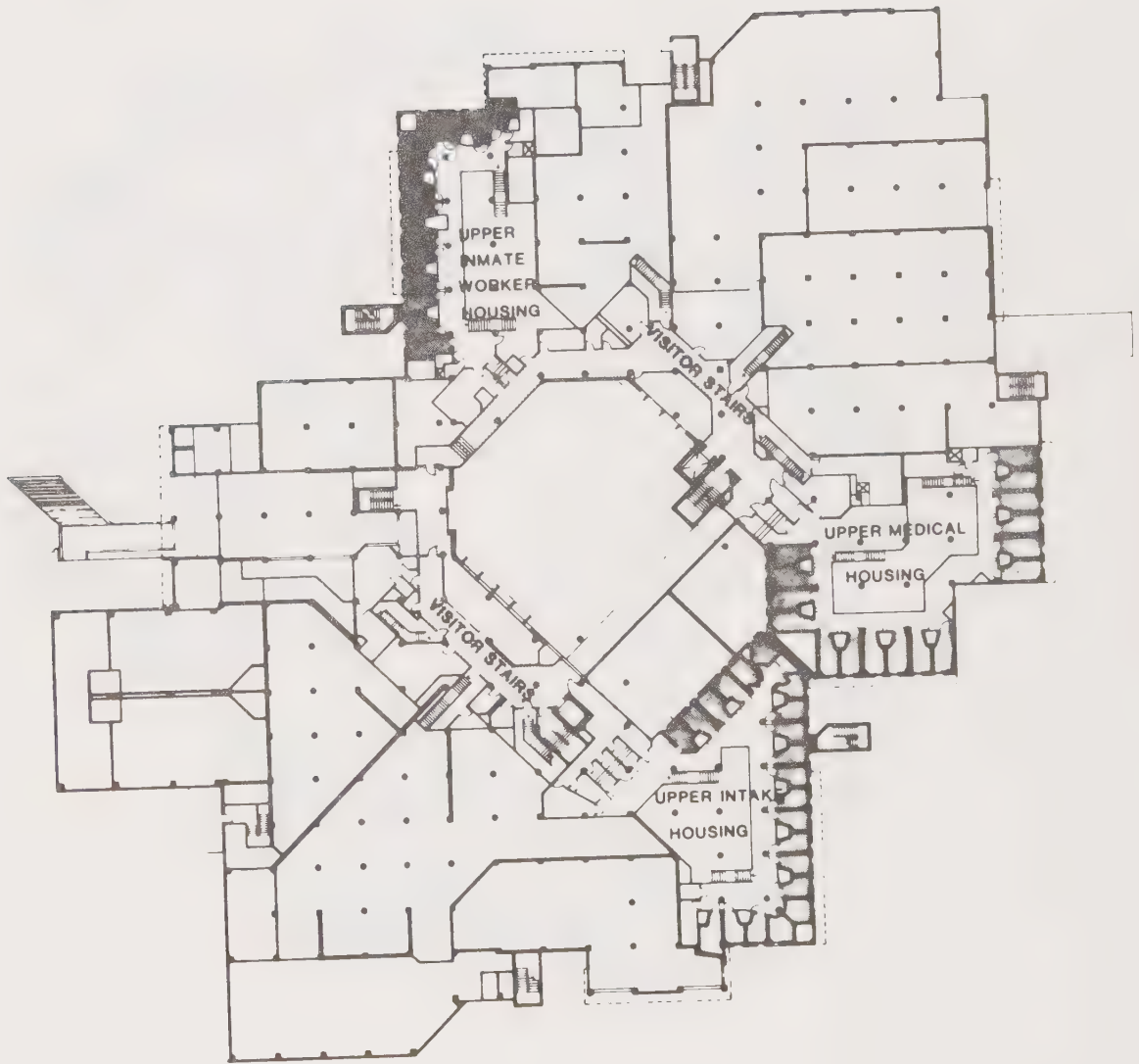


Figure 4

COUNTY DETENTION FACILITY
Second Floor

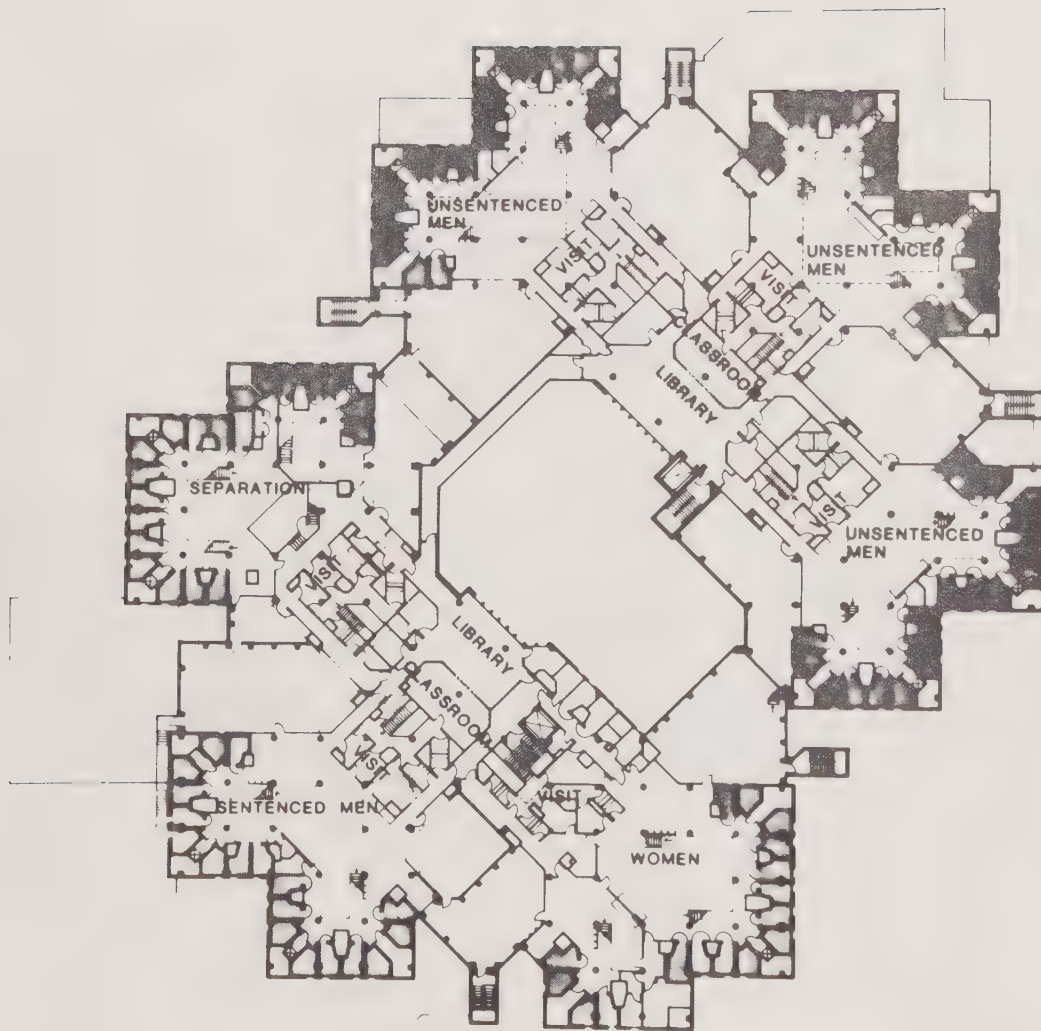


Figure 5
COUNTY DETENTION FACILITY
Third Floor

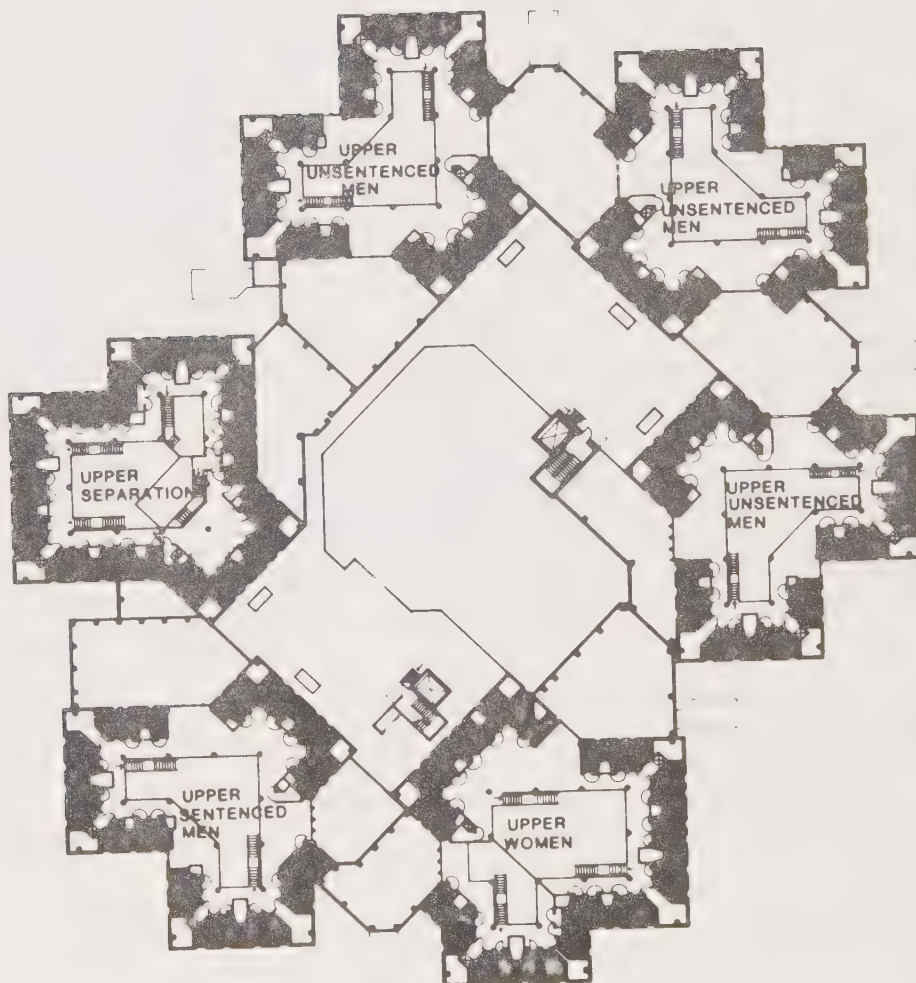


Figure 6
COUNTY DETENTION FACILITY
Fourth Floor

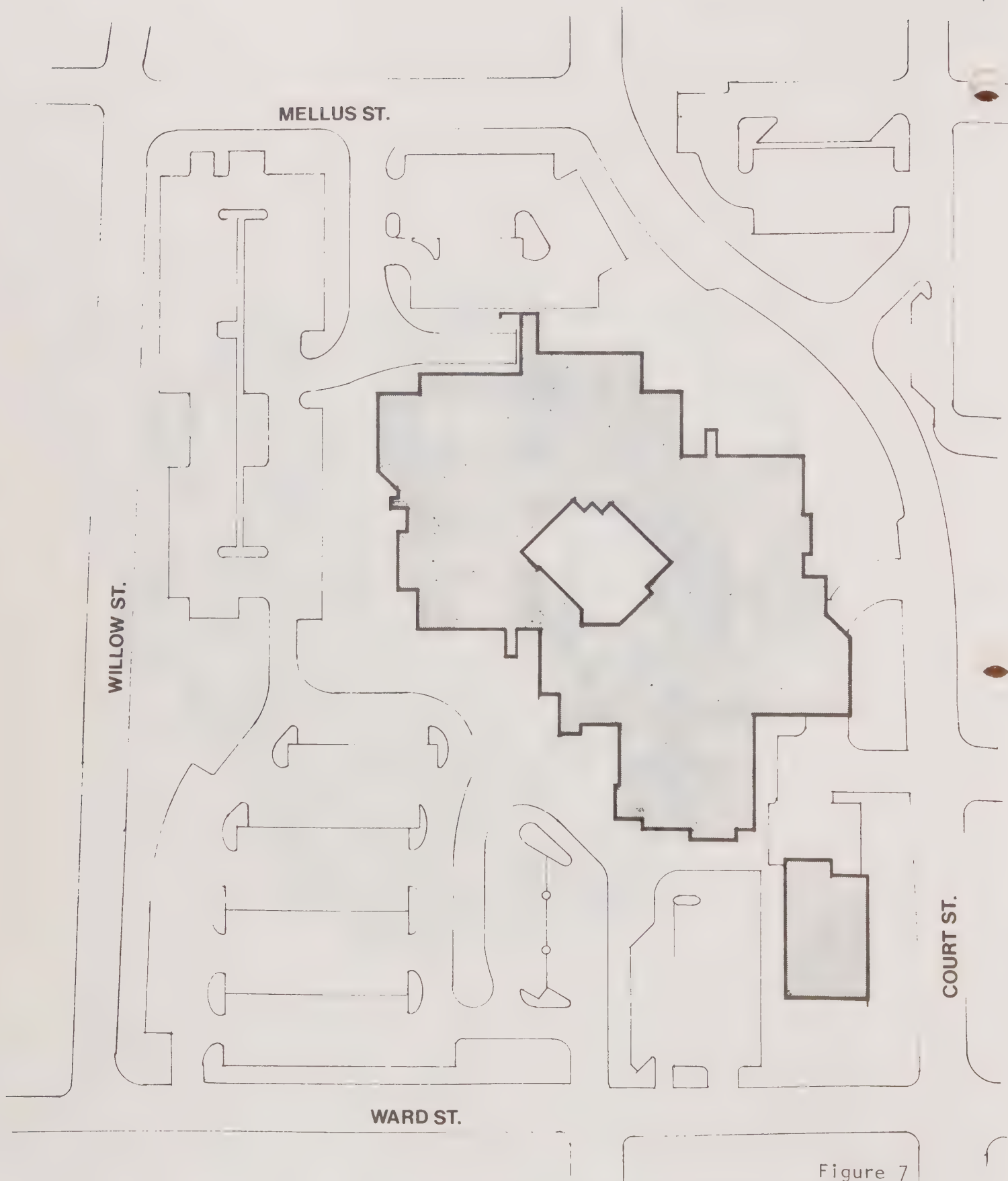


Figure 7

COUNTY DETENTION FACILITY - SITE PLAN

Staff/support areas: The facility includes offices for central administration and programming staff, staff lockers, training and dining facilities.

B. Men's Work Furlough Facility in Richmond

The Contra Costa County Work Education Furlough Center, opened in 1976, is a 72-bed minimum security, Type III facility, designed to house the County's work and educational release program for males. The facility and the programs it provides are considered exemplary by the State Board of Corrections.

The facility occupies a five-acre site, located at 847 Brookside Drive in Richmond (see Figure 8). The single-story structure provides approximately 20,000 square feet of floor area, including administrative and program offices, lounge/recreational area, classroom/library, and a dining/food service area. Several offices are utilized by the Sheriff's Department as a patrol division substation. The facility has two separate housing sections, located in separate wings of the structure (see Figure 9). Each section has an interior dayroom/commons with a cluster of four to six-person dormitory rooms.

C. Women's Sentenced Facility

The Women's Sentenced Facility, completed in 1978, is a 25-bed minimum security, Type III facility. The women's work furlough program is operated out of this facility. It is located adjacent to the Men's Work Furlough Facility and was planned to share the food service and many of the program activities provided by that facility. Food for both facilities is prepared in the Men's Facility kitchen and, originally, men and women inmates shared the dining area of the Men's Facility. However, current practice is to transport the women's food to the Women's Facility for dining.

The Women's Facility does include some program space for use by the residents. The main floor has administrative offices and reception desk, two small multi-purpose offices, a crafts room and dayroom. The individual single-occupancy rooms are arranged with a mezzanine level on two sides of the central two-story activity area (see Figures 10 and 11). A residential type kitchen is provided for the convenience of the staff and residents, although as indicated above, regular food service and dining, as well as the majority of the program activities, are scheduled for the facilities located in the adjacent Men's Work Furlough Facility.

Evaluation

As indicated at the outset, both the Men's Work Furlough Facility and the Women's Sentenced Facility are considered examples of contemporary correctional programming standards. Both facilities have been well designed and maintained. While they are limited in terms of the numbers of persons they can serve, both facilities are well suited to the functions for which they were designed.

The location of the work furlough program is problematic for inmates with jobs in Central or East County and with no private means of transportation. However, the operation of additional work furlough centers in other geographical locations has to be discussed in the context of available space in the Richmond program.

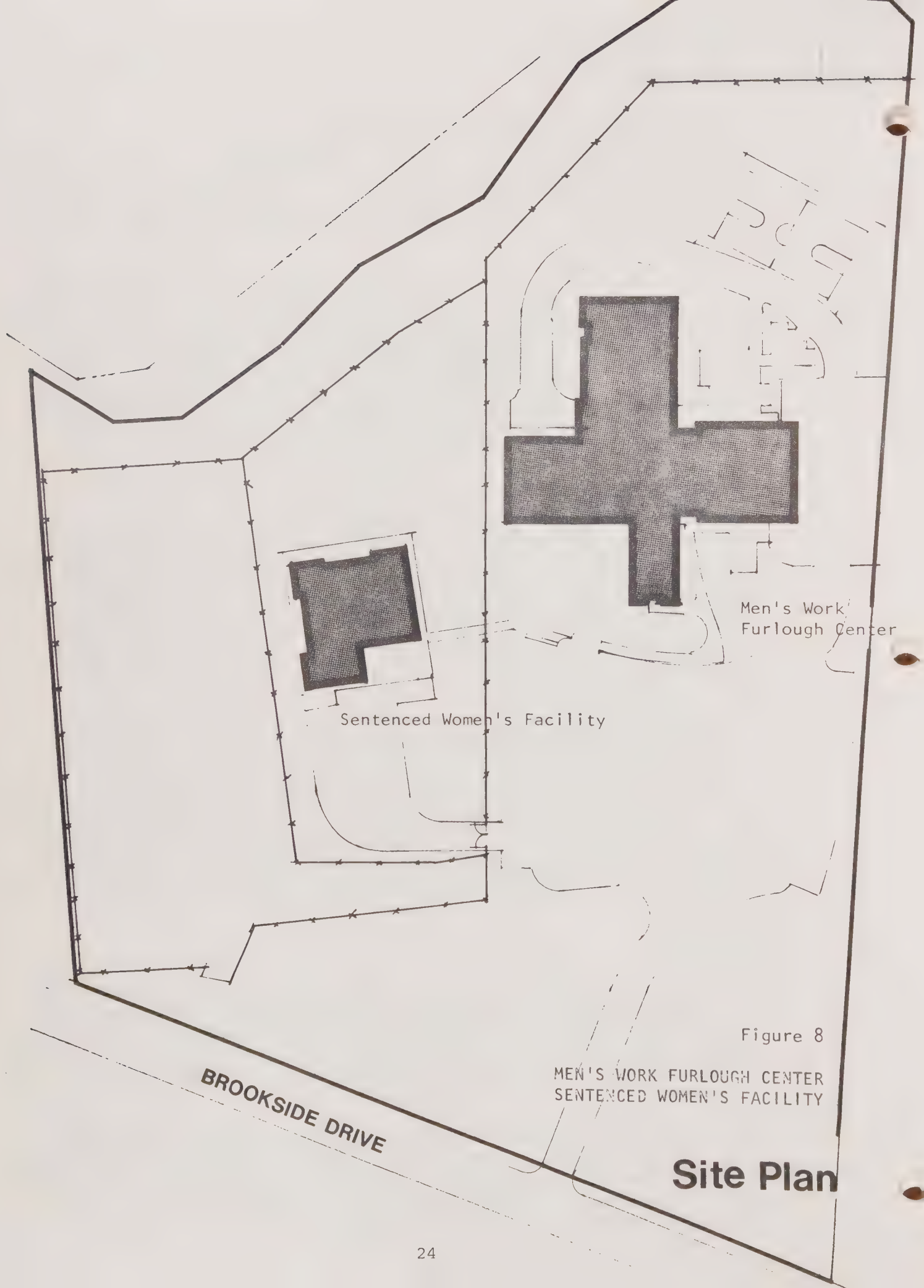
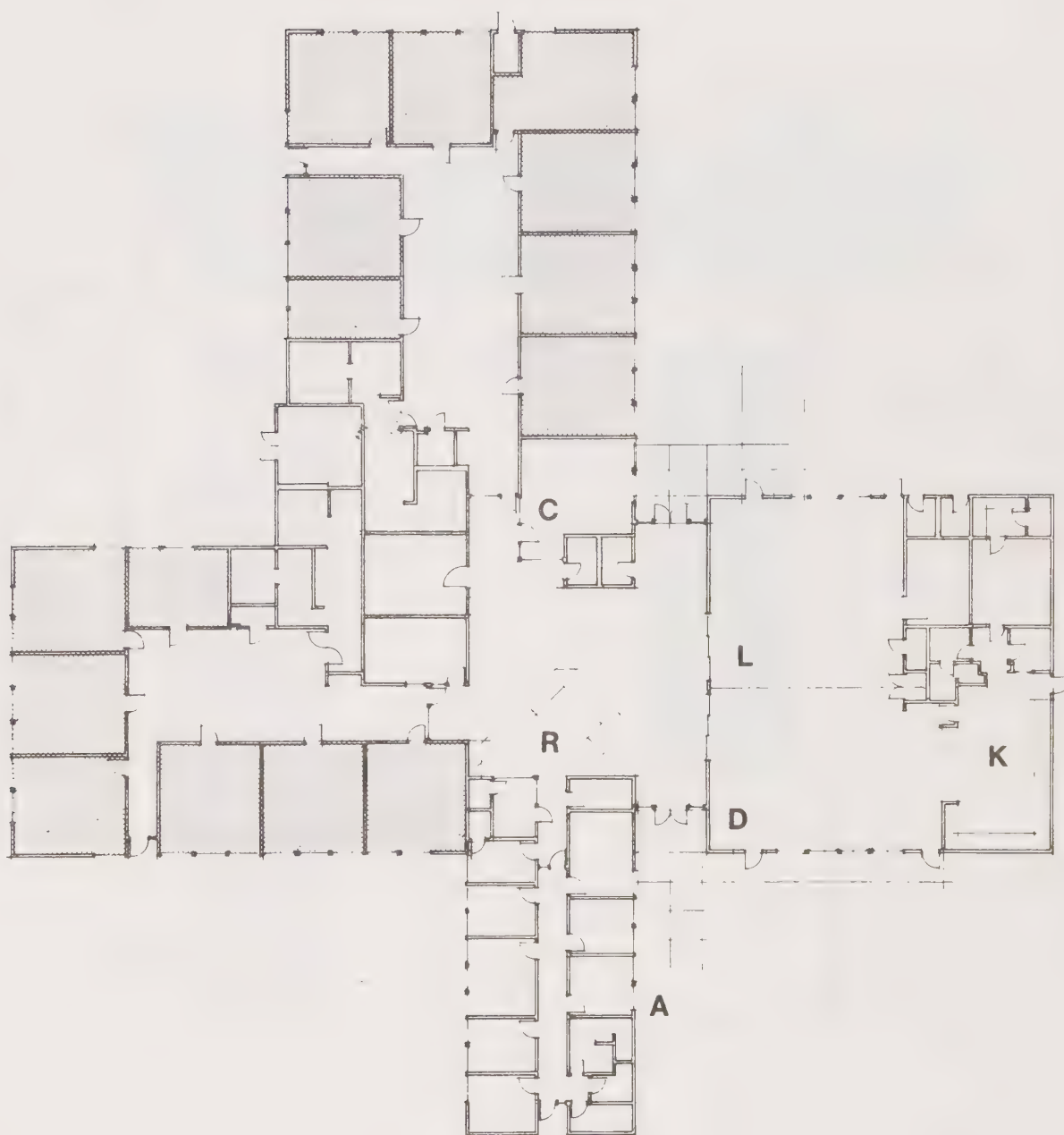


Figure 8

MEN'S WORK FURLOUGH CENTER
SENTENCED WOMEN'S FACILITY

Site Plan



Key

- R Reception
- A Administration
- C Classroom
- L Lounge
- D Dining
- K Kitchen

Figure 9



Men's Work Furlough Facility



Key

R Reception
C Crafts
K Kitchen

Figure 10



Sentenced Women's Facility

Main Floor Plan

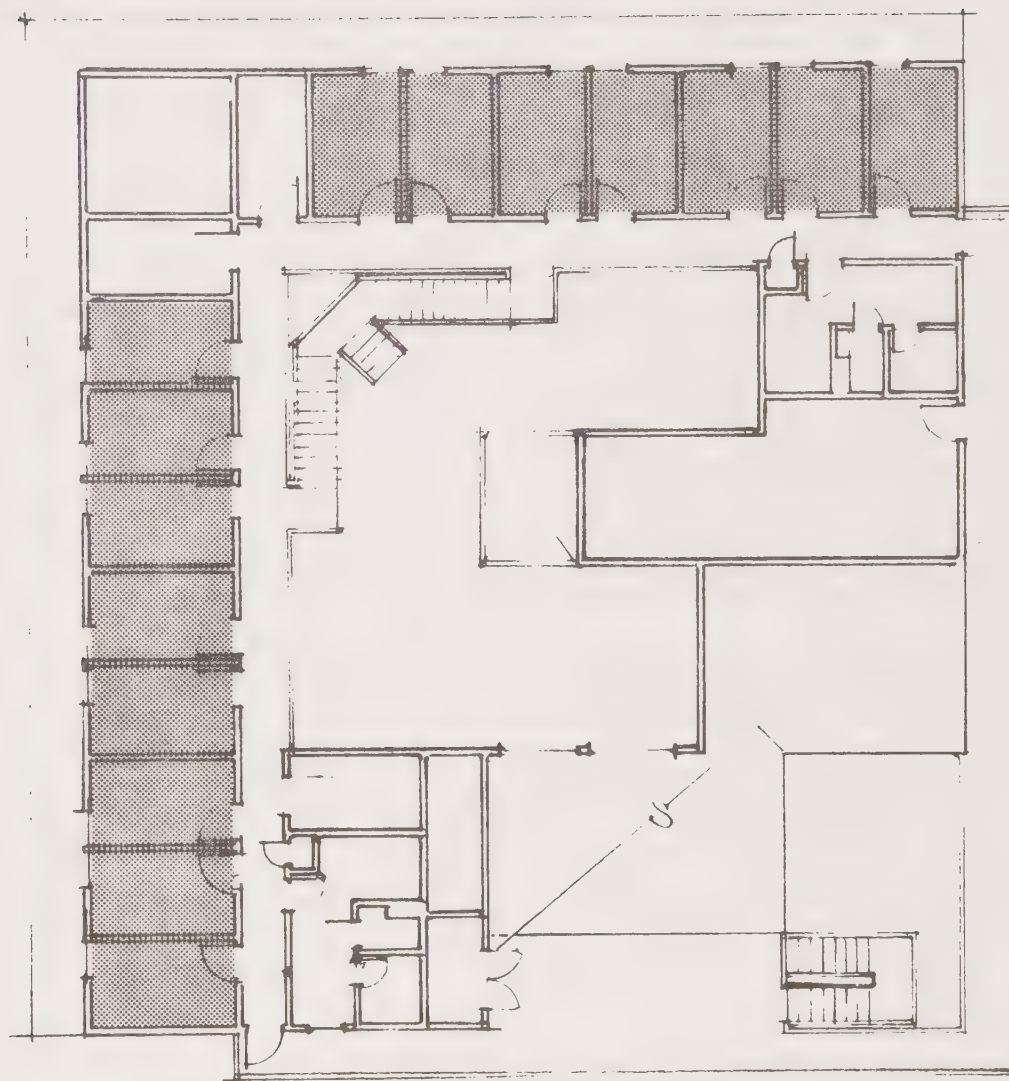


Figure 11

Sentenced Women's Facility
Second Floor Plan

D. Rehabilitation Center at Marsh Creek

The Sheriff's Rehabilitation Center is located on Marsh Creek Road, approximately five miles southeast of the City of Clayton; the facility occupies a portion of a 154-acre site and includes a collection of structures dating back to the original installation established in 1941 for the County Honor Camp program. Over the intervening years, a number of modifications have been made to the facilities, including the construction of several new buildings. The more recent new construction includes a 60-bed dormitory, a chapel, and most recently, a dining and food service building completed in 1979 (see Figure 12).

The Rehabilitation Center is operated as a minimum security, Type III facility. It is currently rated by the Board of Corrections for a 142-bed capacity. Within the complex, the County has, until January 1980, operated a separate facility for pretrial detainees. This facility, known as the Branch Jail, has just been reconverted for use by sentenced inmates.

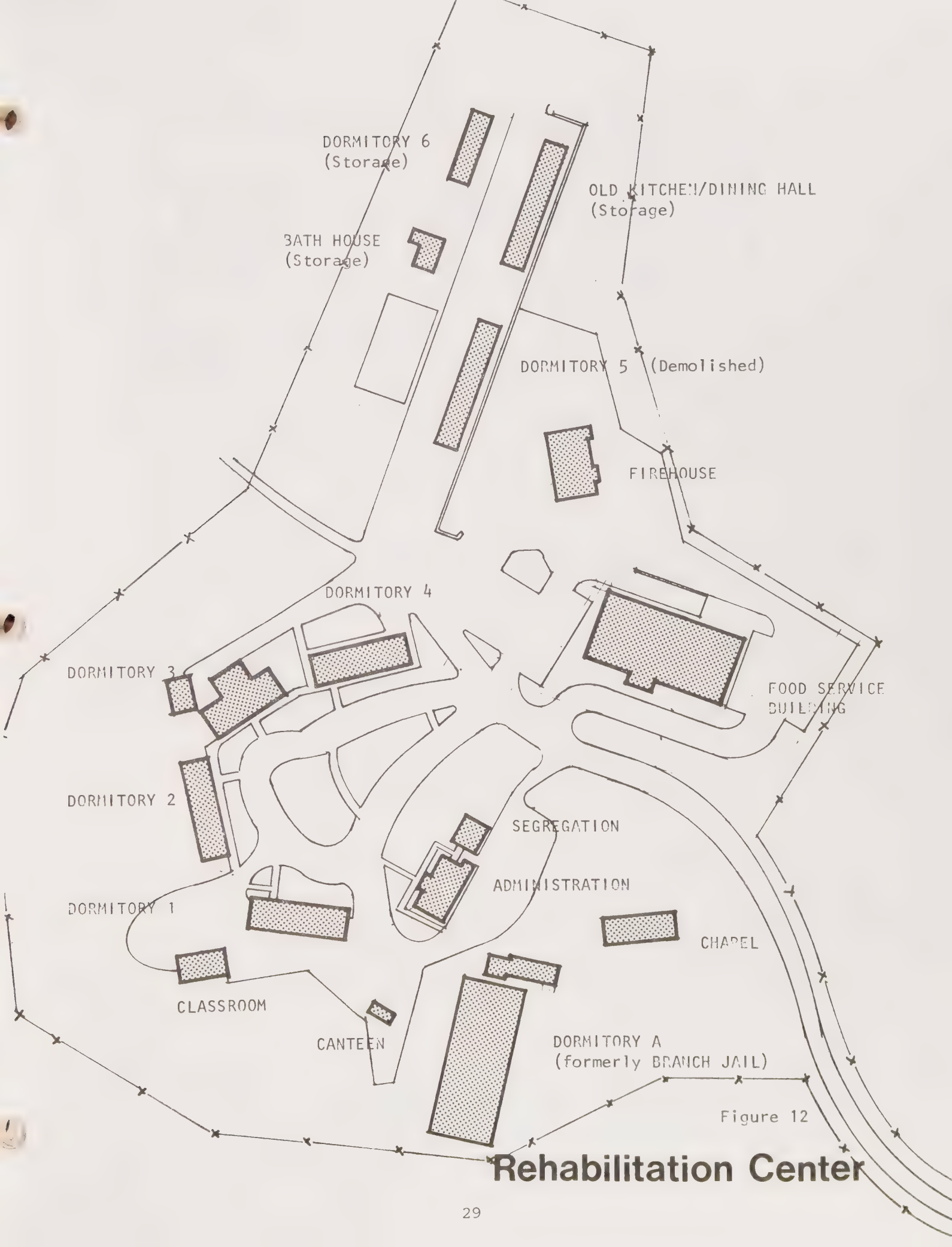
Branch Jail/Dormitory A: As indicated above, in response to the shortage of bed space at the old Main Jail in Martinez, the 60-bed dormitory, originally constructed in 1969, was modified for use as a separate housing unit for pretrial detainees. The immediate area of the building was fenced to provide space for support areas necessary to operate the facility as an independent housing unit. The addition, approximately 2,000 square feet in area, contains a control station, visiting facilities, offices and storage areas. Food service and central administrative functions for the Branch Jail utilize the facilities available as part of the Rehabilitation Center. Meals are transported from the food service building and served in the dayroom area.

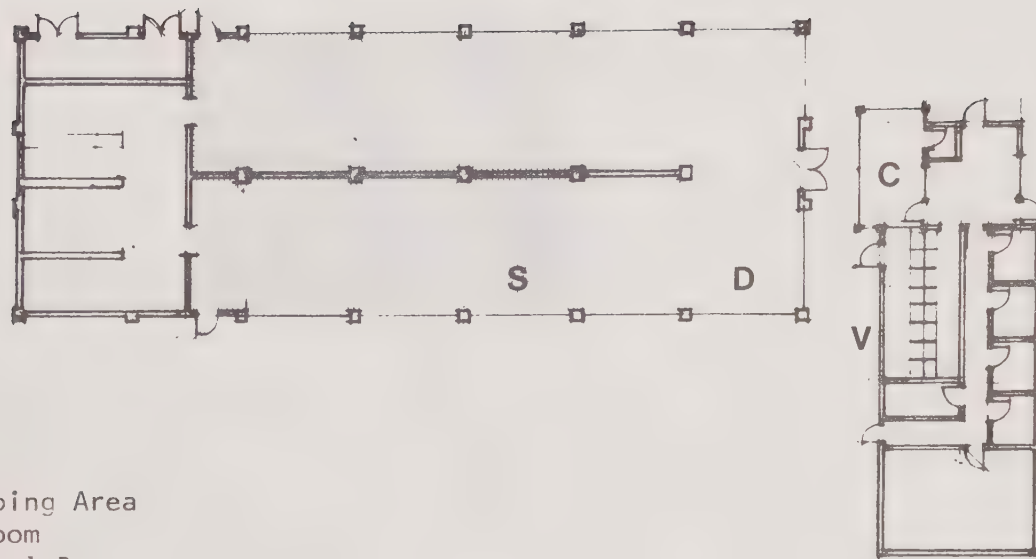
The original dormitory structure was unchanged when the structure was converted for use as the Branch Jail; the open-floor dormitory is divided in two connecting sleeping areas, with shared access to the toilets and shower room and dayroom area (see Figure 13). Each of the sleeping areas is equipped with a double row of bunks and storage lockers. Current capacity with double tier bunks is 60 persons.

In January 1981, following completion of the new County Detention Facility in Martinez, all pretrial detainees housed in the Branch Jail were relocated to the new facility. Dormitory A is now utilized as it was originally intended, as a regular housing unit for sentenced inmates.

Other Housing Units: All of the housing units are dormitory type structures; with the exception of Dormitory A (Branch Jail), the structures presently in use are a portion of the original 1941 camp complex. The structures are 25' x 80', military-type wood-frame barracks with shower/toilet facilities located at one end of an open-floor sleeping and dayroom area. The dormitories are equipped with double bunks and metal lockers; an area at the end of the floor near the toilet/shower room is utilized as a dayroom area for the residents.

Two of the four remaining dormitory structures (Dormitory 1 and 2) are currently in use. A third dormitory (Dormitory 4) has recently been closed and will be converted for use as a hobby shop. In addition, two rooms located in a portion of the old dining hall (Dormitory 3) are utilized as housing for kitchen workers. This presently houses a total of four persons.





Key

- S Sleeping Area
- D Dayroom
- C Control Room
- V Visiting

Figure 13

Branch Jail

Sheriff's Rehabilitation Center - Dormitory A

With the recent changes in the assignment of the housing units, the functional capacity of the facility is currently 160 beds. This is broken down by housing unit as follows:

Dormitory A (Branch Jail)	60 beds	Regular housing
Dormitory 1	48 "	Regular housing
Dormitory 2	48 "	Weekenders
Dormitory 3	4 "	Kitchen workers
Dormitory 4 (closed)	-	
Total	160 beds	

Support Functions: The basic administrative and operational support functions for the Center are housed in a variety of separate structures, many of which have been adapted over the years to their present functions. The main structures currently in use include the Administration Building, Classroom/Shops Building, Chapel, and Food Service Building. In the case of the dining hall, this facility serves also as the visiting center. With the closing of the Branch Jail, several offices will be available for staff use in the addition adjoining the dormitory structure.

Evaluation

With the exception of several relatively new structures, the physical plant and basic utility infrastructure of the Rehabilitation Center is now over 40 years old. A number of the original buildings, most of which are wood frame structures, are still in use today.

- 1) Limited security: While the Center is considered a minimum security facility, it is nevertheless poorly suited to the changing custody requirements of the resident population. The lack of any form of perimeter security, the terrain and general configuration of the site, and the arrangement of the buildings make any but the most minimal degree of control or surveillance extremely difficult. With increased private residential development in the surrounding area, there is likely to be increased pressure to secure the facility. (There have been 22 walkaways from the Rehabilitation Center over the last three years, 1978-1980.)
- 2) Limited housing flexibility: With a changing inmate population*, the type of housing restricts administrative flexibility and control. Generally, current correctional standards discourage the use of dormitory-type housing in all correctional facilities, regardless of custody level. The dormitories presently in use at the Rehabilitation Center are poorly designed. By current standards the wooden barracks (Dormitories 1 and 2), with a floor area of approximately 1,600 square feet, should be reduced from 48 beds to approximately 28 beds.**

*There has been a shift in the types of sentenced offenders housed in County facilities over the years from minor offenders, mostly drunks, to more serious offenders.

**The American Correctional Association recommends 60 square feet per inmate in dormitory structures, with no more than 50 persons per unit.

- 3) Limited program and administrative service facilities: The correctional program facilities available at the Center are extremely limited; with the exception of the classroom (built by inmate labor), the other facilities which are available are housed in structures which have been adapted to their current use. There is no library or individual study areas; counseling facilities are limited. Administrative and staff facilities do not adequately provide for the basic administrative functions to be performed at the Center.
- 4) Increasing maintenance problems: With the exception of the Food Service Building, the Chapel, and Dormitory A (Branch Jail) which are the only relatively new structures, the majority of the structures will present ongoing and increasing maintenance problems in the future. In some cases, building code violations will require attention as well.* Basic systems, such as plumbing, will have to be replaced in some of the older structures.
- 5) Remote location: The remote location of the facility presents some difficulty, both in terms of the Department's ongoing transportation costs and the inconvenience for visitors lacking private means of transportation.
- 6) Utilities: The facility presently has municipal water service. This has relieved past problems with water supply; well water is presently used only for irrigation. While there have been no unusual problems with waste disposal, the present system would, in all likelihood, have to be expanded if future additions were to be considered. In both cases, maintenance problems have occurred due to the age of the utility distribution systems.

This evaluation of the Rehabilitation Center is based on an assessment of the functionality of the facility as it is currently utilized, with the present programs and population levels. As additional information regarding population levels and future program options are developed in more detail, specific future use alternatives can be evaluated in more detail.

*Dormitories 1, 2, and 3 all have gas-fired water and space heaters located within the sleeping or toilet areas. This is prohibited by current plumbing and mechanical codes as a safety hazard to occupants.

UPDATE TO PHASE II - PHYSICAL FACILITIES INVENTORY

October 1981 Evaluation of Walnut Creek City Jail as a County Satellite
Booking and Holding Facility

January 1982 Number and Location of Sentenced Inmates Held in Contra
Costa County Corrections Institutions

UPDATE

to

PHYSICAL FACILITIES INVENTORY: February 1981

Section V - Evaluation of West and East
County Satellite Booking and Holding Options

EVALUATION OF THE WALNUT CREEK CITY JAIL AS A
COUNTY SATELLITE BOOKING AND HOLDING FACILITY

At the request of the Chief of Police of Walnut Creek, the County Administrator asked Master Plan staff to evaluate the Walnut Creek City Jail as a possible Central County satellite booking and holding facility.

WALNUT CREEK CITY JAIL

The Walnut Creek City Jail, constructed in 1980, is located in the Walnut Creek Civic Center complex at North Main Street and Civic Drive in central Walnut Creek. (The sally port entrance to the jail is from Broadway.) The jail facility occupies a portion of the first floor of the Civic Center, a two and three story complex which also houses the administrative and operational headquarters of the Walnut Creek Police Department and the Walnut Creek city government. The facility is operated as a short-term holding facility for the purpose of detaining prisoners up to 24 hours pending release or transfer to the County Detention Facility in Martinez. The physical plant was designed to function as a Type 1 facility (which can house prisoners up to 48 hours exclusive of weekends and holidays). However, due to State Board of Corrections training and staffing requirements for Type 1 facilities, Department administrators have opted for the less costly operation of a short-term holding facility.

Physical Plant: That portion of the building in which the detention facility is located is approximately 1800 square feet in area, including four pre-booking cells of approximately 40 square feet each, four single cells with approximately 90 square feet each, a reception and booking area, the sally port, a mini-kitchen, a shower room and a jail laundry service area. The rated capacity is 20 persons, based on four persons each for the holding cells and single occupancy in the four other cells.

The housing area comprises approximately two-thirds of this overall area.

As illustrated in Figure 1, the holding cells are located adjacent to the loading area; these cells are not equipped with toilets. A toilet room with shower is located on the corridor in the housing section.

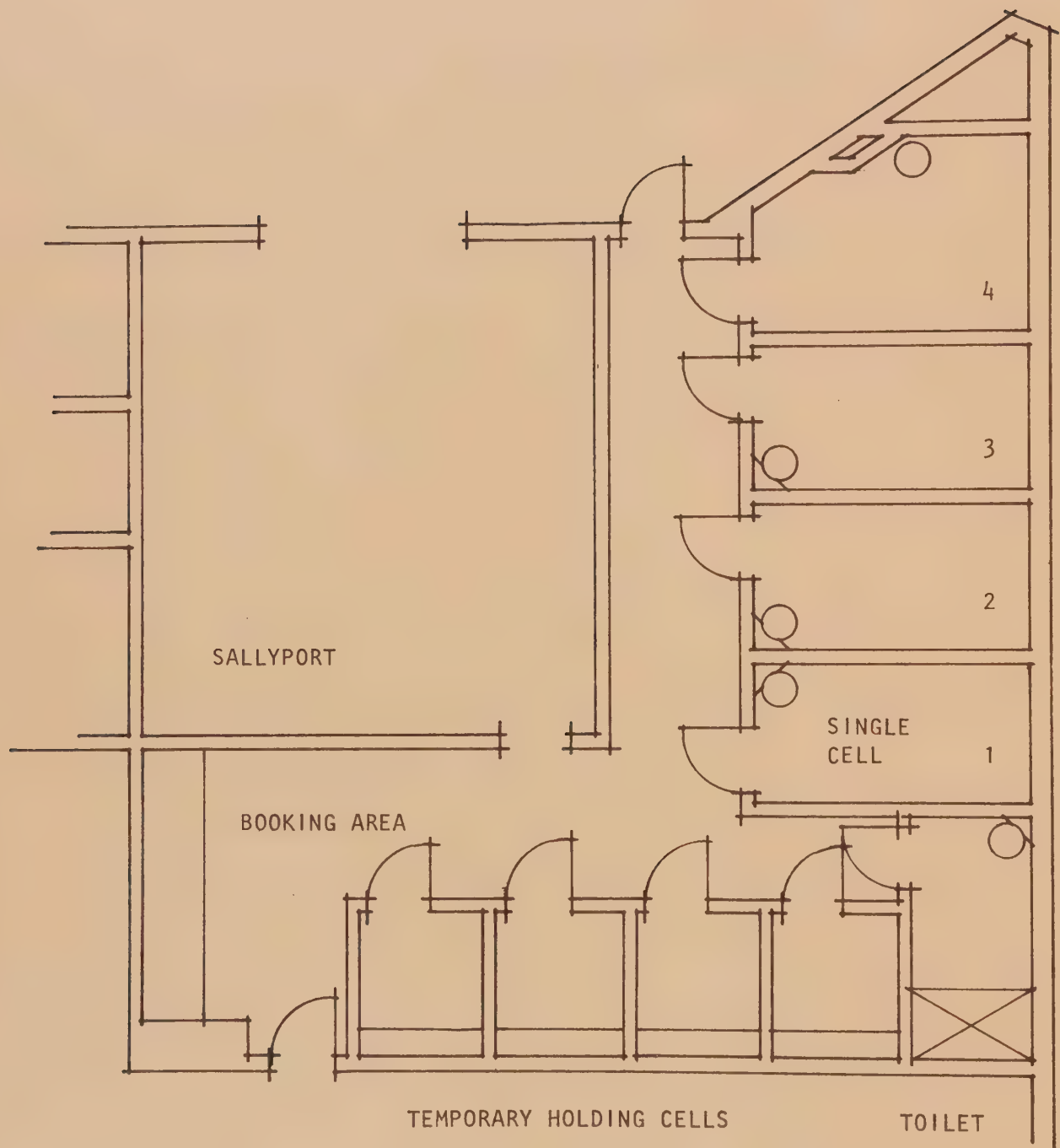


FIGURE 1

There are no provisions for detoxification housing and no specific safety cells.

Support Areas: The reception and booking area, including the sally port consists of approximately 650 square feet. There are two small rooms located off the central corridor in the police operations area which are utilized as interview rooms for attorneys and/or public visiting. There is a mini-kitchen with a microwave oven to prepare frozen meals. The facility has no medical facilities.

State Board of Corrections Inspection: The facility is in total compliance with State Board of Corrections current minimum standards. Fixed benches in the pre-booking cells have been installed (the benches were on order at the time of the Board staff inspection of the facility) and the cells have an audio monitoring system.

Evaluation

Consideration has been given to the operation of satellite booking and holding facilities in West and East counties for a number of years. There is reason also to consider operation of a Sheriff's Department booking and holding facility in Central County. The Walnut Creek facility is located at the intersections of highways 680 and 24, providing access to South County, Walnut Creek, Clayton and the Lamorinda area.

For the purpose of discussion, the following assumptions have been made regarding the operation of the proposed satellite facility:

1. It is assumed that the Central County facility would be staffed and operated by Sheriff's Department personnel. A five-person 24-hour shift has been proposed as the staffing level necessary to operate the facility.
2. The facility would be operated as a Type 1 facility. Arrestees would be booked and processed at the facility. Persons not qualifying for release prior to arraignment would be held at the facility for a maximum of 48 hours (excluding weekends and holidays). All persons requiring periods of detention greater than 48 hours would be transported to the County Detention Facility in Martinez. The Walnut Creek facility would not be utilized for sentenced inmates.
3. Based on projected bookings of the agencies that would conveniently book prisoners at Walnut Creek, rather than transport them to Martinez, (i.e., the Sheriff's Department--South County beats as well as Lafayette and Orinda beats, the Moraga Police Department, the East Bay Parks District, the California Highway Patrol and BART) the facility would be

expected to process an average of 7.7 persons per day.*

Based on these assumptions, there are several points which should be made regarding the proposed use of the facility:

Inadequacy of administrative and operational support facilities

The jail is a component of the Walnut Creek Police Department Headquarters Building. There are no administrative or staff support areas separately available to the jail. In the event the facility were to be operated independently, as a function of the Sheriff's Department, provisions would have to be made to allocate some additional administrative and support space to the facility.

- 1) Functional conflicts with police department activities: There are presently no separate public reception and waiting areas associated with the facility other than those which are part of the police administrative offices. In lieu of sharing the use of these areas and associated personnel, a separate means of public access would have to be established. Such modifications would be essential if the public activity associated with the jail is to be conducted independently of the police department functions.
- 2) Lack of visiting facilities: There are presently no secure visiting facilities; the room currently utilized for attorney interviews is inadequate for the use.
- 3) Minimal reception and booking facilities: While the anticipated number of bookings is relatively small, the present facilities are extremely limited; it would be difficult, without expanding the facilities available, to process more than one person at a time.
- 4) Lack of detoxification facilities: There are no facilities for the operation of a detoxification program.
- 5) Limited housing accommodations: While the facility is presently rated for a total of 20 persons, only four of the cells are designed for anything other than temporary holding. As a Type 1 facility, i.e., for periods of detention up to 48 hours, the capacity would be limited to four persons. The configuration of the housing and its relationship to administrative areas makes surveillance difficult. The facility presently has no separate areas for females or for juveniles.
- 6) No expansion capability: The jail location in the new city complex would preclude future expansions.

* Affected agency administrators were asked to estimate the likely number of bookings per day to be made at the Walnut Creek facility. The estimates are based on current arrest activity. The estimates were: California Highway Patrol (4), BART (.2), EBRPD (.4), Moraga (.4) and Walnut Creek (1). The estimate for the Sheriff's Dept. was derived from analysis of arrests made from 6-1-80 to 5-31-81 in the affected beats--Beat 10 (Orinda), Beat 12 (Walnut Creek/Concord), Beat 13 (Alamo/Danville), Beat 14 (San Ramon), Beat 22 (Concord), Beat 40 (Lafayette), Beat 41 (Lafayette). These beats would account for 1.7 persons per day.

Recommendations

It is recommended that the Walnut Creek City Jail not be considered at this time for operation as a satellite booking and holding facility. Given the cost to minimally staff the jail (a five-person, 24-hour shift), the limited facilities (no visiting or detoxification space, limited housing, no expansion capability, minimal reception and booking area, functional conflicts with police department activities), and a minor impact on the capacity problems at the new jail (jail staff would process an average of 7.7 persons a day), the operation of the facility would not be cost effective for the County. The County is also in the process of designing a Central County courthouse. If there were a need for a satellite facility in Central County, it would be more logical to build the facility in close proximity to the courts.

January 1982

UPDATE

to

PHYSICAL FACILITIES INVENTORY: FEBRUARY 1981

NUMBER AND LOCATION OF SENTENCED INMATES
HELD IN CONTRA COSTA COUNTY CORRECTIONS
INSTITUTIONS

The new County Detention Facility holds both pretrial and sentenced prisoners. Different categories of sentenced prisoners are held at the CDF, e.g., escape risks, trusty workers, behavior problems, State prisoners on parole holds. Data was gathered on the number of sentenced prisoners in the County system and where they are being held. The data was used in discussions on a new sentenced facility as well as a proposal to remove sentenced prisoners from the CDF to other facilities, i.e., the Rehabilitation Center, the Work Furlough Center, to relieve overcrowding.

Table 1 presents the data from the one month (October 1981) sample on the number and housing assignment of all sentenced inmates held in County facilities.

TABLE 1: NUMBER AND HOUSING ASSIGNMENT
OF SENTENCED INMATES

(Sample: Average Daily Population for October 1981)

		<u>Total ADP</u>	<u>Saturday & Sunday ADP</u>	<u>Weekdays ADP</u>
<u>Total Population</u> (Sentenced & Unsented)		590.0	610.2	581.7
Total Sentenced		299.0	323.4	289.0
CDF Total Sentenced		107.0	107.2	106.8
CDF Men (Sentenced)		95.3	95.8	95.0
CDF Women (Sentenced)		11.7	11.3	11.8
<u>CDF</u>				
A Module (General)	46 beds	0.0	0.0	0.0
B Module (General)	45	0.4	0.4	0.4
C Module (General)	46	0.4	0.4	0.4
D Module (Admin. Seg.)	32	10.3	9.6	10.5
E Module (Sentenced)	45	44.5	44.7	44.5
F Module (Female)	12	11.0	10.7	11.0
Q Module (Intake)	41	7.7	7.5	7.7
M Module (Medical)	30	2.5	2.5	2.5
T Module (Trusty)	30	29.4	29.7	29.3
Intake	-	0.5	0.2	0.6
<u>Hospital</u>	-	0.3	0.2	0.3
<u>Men's Work Furlough Center</u>	72 beds	51.8	52.0	51.8
Men (State)		5.7	5.6	5.8
Men (County)		46.1	46.4	46.0
<u>Women's Sentenced Facility</u>	25 beds	18.2	19.6	17.6
Women (State)		1.0	1.0	1.0
Women (County)		17.2	18.6	16.6
<u>Rehabilitation Center</u>	160 beds	122.0	144.6	112.8

ADULT CORRECTIONAL FACILITIES MASTER PLAN

SPECIAL REPORT

USE OF OLD MAIN JAIL AS A DETENTION FACILITY

April 1981

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I. INTRODUCTION

In order to assist the Internal Operations Committee of the Board of Supervisors in evaluating the possibility of reinstating the old Main Jail as a detention facility for County prisoners, several assumptions have been made regarding the manner in which the facility would be operated:

- A. Short-term only: Due to the age and generally poor condition of the facility, the reinstatement of the facility, should it be considered, would be a stop-gap measure only until more permanent space could be built. Under no circumstances should the jail be considered a component of the County's long-term correctional program.
- B. Restrict the range of services provided: Because of the generally poor condition of the facility and because of the proximity of the new County Detention Facility, the old jail would serve only limited functions. Portions of the facility previously utilized for prisoner intake and booking, detoxification, medical treatment, administrative and disciplinary segregation would not be utilized. Other services, such as food preparation and laundry services, would be provided from the new Detention Facility. No female prisoners would be housed in the old jail.
- C. Current correctional standards would be followed: The facility, or that portion of it which is considered for reuse, would be brought into compliance with current State minimum standards for detention facilities. The State Board of Corrections would expect the facility to meet minimum standards for a Type II facility. The jail was not in compliance with current standards when abandoned.

II. POTENTIAL BED CAPACITY

Based on current standards set by the Board of Corrections, the maximum rated capacity of the old jail is likely to be set at 35 persons. This evaluation is based on current minimum standards of 70 square feet per person in single occupancy cells, and 35 square feet per person with a minimum floor area of 100 square feet for multiple occupancy. Using these standards, the two main floors of the 1944 addition each contain 13 cells of approximately 60 square feet in area, yielding a total bed capacity of 26 persons. The third floor of the original 1906 structure includes a dayroom area with three cells of approximately 100 square feet each. With a slight variance from the standard, these cells would be rated for three persons each, or a total of nine persons. Together, these two portions of the jail would provide housing for 35 persons, in three relatively distinct groups.

None of the existing isolation and disciplinary cells located in either the 1906 structure or the 1944 addition meet current standards and have not been considered appropriate for any form of continued use.

III. REVIEW OF RENOVATION COSTS

The following costs are "educated guesses" as to renovation costs. They are intended only to give some idea of the magnitude of needed repairs.

- A. Housing areas: Costs associated with renovating these areas include refurbishing the cells, basic plumbing repairs (fixture replacement as required), removal of extra bunks, provision of basic furnishings, painting and repair of associated dayroom facilities. The costs are estimated to average \$3,000/cell, or approximately \$90,000 for the 29 reusable cells. It would also be necessary to re-roof the facility, costing \$20,000.
- B. Program areas: Program and visiting areas associated with the housing areas could be developed in portions of the original 1906 structure. The roof-top exercise area is considered adequate, if properly equipped. Costs associated with renovating the program areas would include the demolition of some existing partitions, removal of fixtures as necessary, repartitioning and finishing the areas involved. There is approximately 1,500 square feet of floor area on the main floor and 600 square feet on the second floor of the 1906 structure. Estimated at \$35 per square foot, the cost of renovating these areas for correctional programming, administration and visiting functions would be approximately \$75,000.

No specific consideration has been given to refurbishing the basement level of the 1944 addition. It is assumed that this area would not be utilized for housing or program functions. An alternative prisoners' entrance should be provided to avoid the need for refurbishing the present entrance and intake area located in the basement of the 1944 wing. In lieu of such modifications, consideration should be given to the repairs and refinishing necessary in this lower level of the structure to facilitate the movement of prisoners into the housing areas. The detoxification cell, holding and isolation cells located in the basement intake area should not be reutilized as detention areas. These repairs would cost \$20,000.

IV. OTHER COSTS

In addition to these correctional program requirements, certain allowances must be made for basic mechanical and structural repairs and other modifications necessary to facilitate the continued operation of the building and insure the safety of the occupants. Several items have been identified in previous reviews of the facility.

- A. Emergency egress: A second means of egress is required from the housing floors of the 1944 addition. This stair would be located at the northern end of the building. Estimate: \$50,000. An outside area to hold evacuated prisoners would cost \$15,000.
- B. Seismic safety: There have been no specific recommendations in previous studies regarding structural improvements required for seismic safety. Such an evaluation should be performed if a reuse of the facility is contemplated. Estimate: \$50,000.
- C. Natural light: Window walls in the 1944 addition have been modified to prevent breakage; as modified, the glazing in the ventilating louvers has been removed and covered with steel. Consideration should be given to replacing these window units to restore natural lighting in cell areas. Estimate: \$48,000.

- D. Ventilation/air conditioning: Consideration should be given to the installation of air conditioning and/or improved mechanical ventilation systems in the housing and program areas. There is presently no adequate means of regulating high summer temperatures in the building. Estimate: \$210,000.
- E. Basic mechanical/electrical/plumbing repairs: A thorough assessment should be made of the condition of the basic building mechanical/electrical and plumbing systems; a schedule of necessary repairs should be prepared and carried out prior to any reinstatement of the building. Estimate: \$210,000.
- F. Handicapped access: To meet current State standards, those portions of the building to be utilized by the handicapped should be made accessible. Modifications would have to be made to provide ramps and restroom facilities in the public visiting and program areas. Estimate: \$200,000.
- G. Security system: An electronic alarm system is needed to provide for officer safety. Estimate: \$50,000.

In conjunction with the above items, allowances will have to be included for architectural/engineering services, County A/E administration costs, permits, construction contingencies. Estimate: \$221,600.

A total capital cost of \$1,329,600.

V. STAFFING AND OCCUPANCY COSTS

Staffing the facility will require three deputies per shift and one supervisor. At three deputies per shift, including vacation relief, there would be a total of 15 positions required for a total estimated cost of \$526,500 per year (15 positions @ \$35,100/position). The five supervisory positions @ \$40,400/position would add \$202,000 per year. Occupancy costs are estimated to be approximately \$100,000 per year, including lease, custodial services, utilities, and maintenance costs. (Minimum standards also require that one person per shift be certified in fire and life safety procedures.) Food services, medical services and other costs which would be incurred regardless of the particular facility utilized have not been included in these estimates.

A total of \$828,500 has been estimated for staffing and occupancy costs associated with reinstatement of the old jail as a housing unit.

VI. SUMMARY AND RECOMMENDATIONS

Given the age and general condition of the old Main Jail, the inappropriate-ness of the facility for any long-term County detention needs, and the magnitude of the renovations and modifications which would be required to bring the facility into a reasonable level of compliance with current standards, it would not appear that any further consideration for the reuse of the facility as a housing option is justified.

Based on this review, it is estimated that necessary improvements would range in cost between \$1,300,000 and \$1,500,000. In addition, staffing and occupancy costs might be expected to be approximately \$828,500 per year.

If the old jail is not used as a detention facility, short-term alternative solutions may need to be developed to handle the overflow from the new County Detention Facility. Since the beginning of March 1981 when all prisoners were moved from the old jail, the average daily population at the new facility has been around 336. This has resulted in as many as 17 inmates having to sleep on mattresses on the floor. Although the new facility has a rated capacity of 382, some housing modules are only available for certain categories of inmates, e.g., disciplinary, sentenced, trusty workers. In addition, the Medical Module is not yet operational. Again, however, it houses specialized cases and would not necessarily allow for 30 additional inmates to be housed in the facility. The almost daily overflow has been housed on the floor in the Intake Housing Module. The average daily population is higher than had been projected* and there is research currently underway to identify, if possible, the causes of the increase. Whether or not the population continues at the current level, the overall County corrections and detention population has doubled since 1976 when the new facility was planned, and these increases alone indicate that the County will need additional pretrial space sometime prior to 1985 (the time at which the earlier studies projected that the County would require additional bed space **).

There are several short-term alternatives to accommodate any overflow from the new facility. Four alternatives are discussed:

1. Remove the trusty workers from the new facility - 30 beds.
2. Reopen A Dorm at the Rehabilitation Center as a Pretrial Branch Jail - 60 beds.
3. Intensify Early Release Program activities.
4. Double bunk at the County Detention Facility - approximately 45 beds per module (A, B, C, E, F-A, F-B) and approximately 30 beds in the Inmate Worker Housing.

Remove the Trusty Workers from the County Detention Facility

The new facility has one housing module for trusty workers who work in the kitchen and laundry of the facility. The module contains 30 beds and there are currently 30 workers. The workers could be removed from the module and housed at the Rehabilitation Center. (The Center has a rated capacity of 160. The average daily population is currently around 100.) There are two options for getting the work accomplished the trusty workers now perform. First, the workers could be transported daily from the Center to the new facility in Martinez to work, and then returned in the evening after work. The incentive for becoming a trusty, however, e.g., good living conditions (the trusty module has a pool table), is lost and new incentives would have to be developed. Also, working as a trusty is one of the few options a

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, pp. II-17.

**Ibid.

sentenced inmate has to engage in some type of constructive work activity and vocational training. There is also a transportation cost. The Sheriff's Department Budget Analyst, Mr. Tom Young, estimates that a round trip from the Rehabilitation Center to the Martinez facility costs \$12.60 (\$4,600 a year). The annual costs of operating the necessary transportation system would be approximately \$18,600. (This cost includes mileage, maintenance and insurance for one bus.) In discussing transportation issues with Lt. Ronald Sillers, the Facility Commander at the Rehabilitation Center, he stated that the two buses used to transport pretrial prisoners held at the Branch Jail before the new facility opened (and which presumably would be used for any additional transportation of Rehabilitation Center prisoners) are in need of fairly extensive repairs. The Sheriff's Department is currently planning to cancel one bus. The estimate to repair the other bus is \$8,000 - \$10,000.

An alternative would be to replace the trusty workers with civilian workers. In jurisdictions where this has been done, trusty workers are usually replaced at a rate of one civilian worker for every three trusty workers. Thus, 10 civilian workers would be required to work in the kitchen and laundry at the new facility. The position of Institutional Service Worker I, at an initial annual salary and benefit cost of \$15,541, was selected as a comparable position. Thus, 10 civilian workers would cost \$155,410 a year.

Reopen A Dorm at the Rehabilitation Center as a Pretrial Branch Jail

Prior to the opening of the new facility, the Sheriff housed 60 pretrial male prisoners at the Branch Jail. The cost of reopening the Branch Jail for pretrial prisoners (which is currently being used to house sentenced prisoners) would be staffing and transportation costs. It requires 12 deputies to operate the Branch Jail (including vacation relief) at a cost of \$35,100 (salary and benefits) per deputy per year. Total staffing costs would be \$421,200/year. Holding pretrial prisoners at the Rehabilitation Center necessitates two trips a day to Martinez from the Center at a cost of approximately \$6,652 (plus \$11,000 in insurance and maintenance for one bus). No cost has been included for a driver from the Sheriff's Transportation Unit. (See also vehicle repair cost in previous section.)

Reopening A Dorm assumes that the current average daily population at the Center (100) will not rise significantly. Weekenders, however, present a capacity problem since one dorm which houses 48 inmates is currently reserved for weekenders. The Sheriff's Department is seeking funds to develop a day work-crew program for weekenders which would essentially eliminate the weekender housing problem at the Rehabilitation Center.

Intensify Early Release Program Activities

Correctional Facilities Master Plan staff reviewed current alternatives to incarceration programs operating in the County and specified areas where programs might be improved (e.g., speedup O.R. release time and citation release time) or new programs developed (e.g., early case screening, clearance of outside holds). (See Phase II: Alternatives to Incarceration, March 1981.) Further research will be accomplished once the 1981 population data is collected to determine if there has been any positive or negative change in release program impact since the new County Detention Facility opened.

Double Bunk at the County Detention Facility

Current State standards discourage the use of double occupancy cells because of the minimum total floor area required. Also, the dayroom space would probably not be adequate if double occupancy were instituted. Variances would have to be sought from the State. Modules A, B, C, and E presently contain 45-56 rooms; the Inmate Workers Module contains 30 rooms, Module F-A (unsentenced women) and F-B (sentenced women) have a total of 46 rooms. Capacity could be increased by whatever portion of these modules is considered for double occupancy. (The Medical Module, the Intake Module and the male and female Disciplinary Modules would not be appropriate for double occupancy.) There would be associated costs for refurnishing the rooms (the beds would have to be unbolted from the floors and a new unit inserted and bolted to the floor) and necessary increases in staffing. Such an alternative would preclude obtaining American Correctional Association accreditation for the facility.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

SPECIAL REPORT

HOLDING STATE PRISONERS IN COUNTY ADULT
DETENTION AND CORRECTIONAL FACILITIES

May 1981

ADULT CORRECTIONAL FACILITIES MASTER PLAN

SPECIAL REPORT

HOLDING STATE PRISONERS IN COUNTY ADULT
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May 1981

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I. INTRODUCTION

In researching capacity issues for the current master plan effort, it became apparent that one of the most significant areas needing review is the current and potential contractual arrangements Contra Costa has with the State of California to hold prisoners. The County/State relationship has significant fiscal ramifications, both in terms of impact of State prisoners on facility capacity and revenue generated through State reimbursement to the County. For this reason, a separate issue paper has been prepared as part of the Correctional Facilities Master Plan.

II. COUNTY/STATE AGREEMENTS

The State currently has three agreements in this area with the County:

- 1) Contra Costa holds persons awaiting parole revocation hearings under PC 4016.5. Under this legislation, counties must hold these prisoners but are entitled to reimbursement. These persons are held in the County Detention Facility in Martinez as sentenced prisoners. These persons are either arrested for violation of parole only, or on a new criminal charge which would also lead to a parole revocation hearing. The parole revocation hearing--a "Morrissey hearing"--must be held within 45 days of arrest. The State reimburses the County at a rate of \$42.12 per day as long as the individual has no other outstanding criminal charges pending or the person is not serving County time (parole hold only (OHO) prisoners). For example, if the individual was arrested on a new charge and is also awaiting a parole revocation hearing, the State does not reimburse the County.

It is anticipated that a new rate will be negotiated with the State for FY 1981/82, after the new facility has had actual operating experience. The average number of days per month of persons held in the old Main Jail on parole hold only from July 1978 to September 1980 was 248. For February 1981 at the new facility, the number of parole hold only days was 311. The County also houses CYA parolees at the same daily rate. CYA parolees accounted for 47 days of detention in the County Detention Facility in February 1981.

- 2) Contra Costa County holds up to 15 State prisoners (as of October 1980) who have had their parole revoked (return to custody (RTC) prisoners). For the most part, these prisoners are held at the Rehabilitation Center in Clayton. Persons held at the Rehabilitation Center in February 1981 accounted for 129 days. Sheriff's Department staff estimated parole revocation sentences average 60 days. The State had agreed to reimburse the County at a rate of \$49.05 (which is the cost per day at the Rehabilitation Center based on 1979/80 actual expenses as determined by the Auditor-Controller of Contra Costa County). However, the California Department of Corrections, based on staff interpretation of PC 6260, has established a policy that no State contracts for "re-entry" beds* will exceed the cost per day of keeping a prisoner in State institutions; that rate has been established at \$36.21 per day. Thus, the State will pay Contra Costa

*The State definition of a "re-entry" bed is a bed in the community (supervised by a county or private agency) that relieves a bed in State-operated institutions.

\$49.05 for persons housed at the Rehabilitation Center from October 1, 1980 to December 31, 1980. As of January 1, 1981 (when the legislation became effective), Contra Costa will be reimbursed at a rate of \$36.21 per day.

- 3) Contra Costa County has contracted with the State to house up to 15 male or female prisoners at the corrections facilities in Richmond. State prisoners are admitted to either facility up to 120 days prior to release.*

County work furlough program staff are responsible for:

- a) security of the State prisoner;
- b) verification of the prisoners' whereabouts, e.g., if she/he interviews for a job, verification that the interview is conducted;
- c) identification of potential transitional problems the prisoner may have, e.g., alcohol;
- d) coordination with release program when released to parole status, e.g., prepare documents authorizing transfer to parole, listing conditions of parole.

There is one State parole staff person responsible for providing resource referrals, e.g., job referrals, to State prisoners at the Contra Costa facilities. Thus far, 25 State prisoners have completed the program (18 were working at the time of discharge). No more than 5 have been returned to State institutions.

Work furlough program participants are expected to pay a fee of \$35 per week if the prisoner is working. The California Department of Corrections is charged \$33.85 per day based on 1979/80 actual expenses as determined by the Auditor-Controller of Contra Costa County for prisoners (\$5.00 a day is subtracted from the State charge if the prisoner is paying a fee). The \$36.21 maximum re-entry rate also applies to the work furlough prisoners. State prisoners housed in the Richmond facilities are from Contra Costa County or contiguous counties.

The number of State prisoners participating in this program has averaged 6.4 per day. The current contract with the State is for \$185,000. However, at the current population rate, the County will receive less than \$100,000. (The work furlough program staff determine which State prisoners will be admitted.)

*Originally, the contract was to hold State prisoners up to 60 days. However, California Department of Corrections policy allows State prisoners to select a public or private prerelease program. Prisoners prefer private agency programs. Thus, CDC is now providing an incentive to prisoners to select public programs because the prisoner can be released from the State institutions sooner if they select a public program (up to 120 days prior to their parole date). Prisoners can be released to a private program up to 60 days prior to their parole date.

The impetus for the State to develop "re-entry" contracts at the local level appears to be twofold: the overcrowding at the State institutions, and the community corrections orientation of the California Department of Corrections' new director, Ruth Rushen.

The California Department of Corrections maintains the legal authority and responsibility for the person but contracts with public or private agencies for supervision of the prisoner. CDC parole staff then monitor the agency to assure that the agency is complying with the contractual supervision requirements. There is ongoing coordination required between the parole staff and the county/private agency staff.

The State/county re-entry contracts are for various alternatives. In addition to work furlough programs like Contra Costa County's, a prerelease center is operating in Fresno which holds State prisoners up to a year. There is also a Volunteers of America mother-infant care program where women who will be released to parole within two years live in a quasi-custodial setting with their infants. Only prisoners receiving a 1 or 2 classification (minimum security) within the State prison system are eligible for work furlough programs. Prisoners who fail at the programs are returned to the California Department of Corrections' institutions, usually through an "administrative return". The estimated number of re-entry beds to be developed by July 1982 in the North Coast District (which is 9 California coast counties--Contra Costa constitutes 45 percent of the district) is 80 to 90. There are currently 21 beds under contract and at least another 30 beds close to contract. One-third of the local re-entry beds have to be with private vendors. The Northern Coast District staff will be releasing an RFP to private agencies shortly for provision of 15 beds in Contra Costa County to supervise prerelease prisoners. The State is to maintain a 90 percent occupancy rate in all of their re-entry programs (e.g., work furlough, parole revocation).

The Sheriff is currently negotiating with the California Department of Corrections to house 50 additional State prisoners at the Rehabilitation Center. These prisoners would be incustody, awaiting an assigned placement at one of the Bay Area re-entry programs. This contract would be over \$600,000 a year (at the \$36.21 maximum rate). CDC staff would determine who was placed in this program. Behavior problems are not anticipated because a prisoner will be immediately returned to a State facility, lose good time credits and foreclose the opportunity to be placed in a furlough program.

III. CONCLUSIONS

It is clear from the prior discussion that State/County contracts have significant financial implications. Of priority concern is that there has been no analysis of what the exact implications are for the County. Questions such as:

1. Should the 15 beds in the work furlough program always be filled? Or should the contract be renegotiated for 6 prisoners? Should line staff decide which State prisoners are admitted?
2. Given the current maximum State reimbursement rate of \$36.21 for "re-entry" beds and the higher County cost per day at the Rehabilitation

Center and the County Detention Facility, should the County accept State re-entry prisoners? At what point does it not pay for the County to hold these prisoners? Should Contra Costa County request an opinion from the Attorney General regarding California Department of Corrections staff interpretation of the re-entry legislation in an attempt to get a reimbursement rate based on Contra Costa County's higher actual cost?

3. The Sheriff's Department is currently preparing a billing for parole hold only prisoners for the last several years. However, even if bills had been submitted on a regular basis, State staff indicate that money to pay these bills may not be available. Should the County develop alternative legislation regarding holding these prisoners if the County is not reimbursed in a timely manner?

IV. RECOMMENDATIONS

The analysis necessary to arrive at decisions on these questions is technical and requires personnel skilled in accounting, contracts, cost-benefit analysis, etc. Because of the far-reaching implications of such decisions, this type of analysis should be a primary responsibility of someone in the Sheriff's Department or Auditor-Controller's Office with the requisite skills. Currently, such analysis is the responsibility of personnel in the Detention Division of the Sheriff's Department. Generating revenue, developing sound billing procedures, etc., is not, of necessity, the highest priority of detention staff. Having persons with the specific skills necessary would ensure proper and timely billings, sound financial contracts, and would allow for research into other possible areas for generating revenue, e.g., housing contracts with other counties, development of inmate businesses, etc.

UPDATE TO SPECIAL REPORT - HOLDING STATE PRISONERS IN COUNTY ADULT
DETENTION AND CORRECTIONAL FACILITIES

July 1981

State Reimbursement for Holding Prisoners

July 9, 1981

UPDATE

To

HOLDING STATE PRISONERS IN COUNTY ADULT DETENTION
AND CORRECTIONAL FACILITIES: May 1981

STATE REIMBURSEMENT FOR HOLDING PRISONERS

The Special Report on Holding State Prisoners in County Adult Detention and Correctional Facilities, May 1981, included a discussion of the rate the State paid for holding various categories of State prisoners. At the time the report was written, the California Department of Corrections (CDC) policy was that the maximum rate a county could be reimbursed for re-entry prisoners like those in the work furlough program and those prisoners returned to custody through parole revocation procedures was \$36.21. This rate was based on an interpretation by CDC staff of the re-entry legislation. Included in the legislation is a discussion of the cost to house prisoners at State institutions and the desirability to develop contracts at the local level that would be less costly. The CDC interpretation of the legislation has been questioned and a new policy statement has been developed.

In discussions with Mr. Jim Roten, CDC Re-Entry Coordinator, he stated that the new policy was developed with counsel and should stand. Basically, the policy is that regional parole office administrators are being asked to negotiate contracts with counties under PC 6260 (e.g., the work furlough and staging area contracts) at a rate not to exceed \$36.21 because the resources allocated to this program cannot accommodate a higher rate. In addition, the Department of Finance would, in all probability, not approve a contract that had a higher rate unless there were exceptional circumstances. Thus, legally CDC can pay a higher reimbursement rate, but due to budget restrictions, they are not willing to do so.

The contracts for the return to custody (RTC) prisoners will be negotiated like the PC 2910 (parole hold only - OHO) contracts. These contracts are based on a direct cost reimbursement rate. Currently, Contra Costa has a \$42 reimbursement rate for PC 2910 prisoners. This rate also applied to RTC prisoners until January 1981 when CDC staff said they would only pay \$36.21. However, based on my discussions with Mr. Roten, the RTC rate should again be re-negotiated for at least \$42 until a new actual cost rate can be determined.

Again, it is recommended that someone with appropriate accounting skills regularly monitor Sheriff's Department activities in the area of revenue-producing options.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

SPECIAL REPORT

OVERCROWDING IN THE
COUNTY DETENTION FACILITIES

October 1981

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I. INTRODUCTION

Contra Costa County opened a new detention facility in March 1981. The bed capacity of 382 was projected to be sufficient until 1985, when it was expected that additional bed capacity would be required.* As Table 1: Population Counts, Contra Costa County Detention Facilities indicates, the new jail has been full since it began operating, and in the last month, October, the facility has been consistently overcrowded.** The daily population in October ranged from 384 to over 400. The average daily population was 393, exceeding the rated capacity by 11 persons.

The unexpected increase in the number of persons housed in the pretrial facility prompted a request from the Sheriff and County Administrator to the Master Plan staff to research the cause(s) of the population increase.

Two variables impact on the number of persons housed in a jail: the number booked into the facility, and the amount of time served by prisoners in the facility. Thus, to determine which of the two variables, or a combination of the variables, was leading to the overcrowding, a methodology was designed which compared booking and release information from before and after the new facility was opened. A sample of all the persons booked during the last week of March 1980 was compared with this same group of people for the last week in March 1981. In reviewing the results from this special study, it is important to note that any conclusions drawn regarding specific categories of prisoners and/or length of stay in those categories are very tentative. The samples consisted of only one week of data in various years, and while each week's sample constituted a statistically valid random sample, when the data is broken down into smaller units for more detailed analysis, some units have too few numbers in them to draw definite conclusions. The specialized analyses are impressionistic at best and flag areas where programs and/or further research may be warranted.

In discussions with the Sheriff and his staff, there were several hypotheses suggested as possible causes for the increase in bookings and/or length of stay. These hypotheses, which are listed below, are discussed after a review of the data from the two samples.

Hypotheses for Jail Overcrowding

1. Changes in local agency booking, holding or transportation procedures.
2. Increase in felony arrests.
3. Change in release practices.
4. Increase in time to transfer prisoners to the State.
5. Increase in number and length of stay of drunk drivers.
6. Increase in remands from courts.

*Facility Sciences Corporation, Contra Costa County Detention Facility Service Program, December 1976, pp. II, 26-27.

**"Overcrowding" is defined by the State Board of Corrections in the Minimum Jail Standards as populations in excess of 90% of capacity in jails of 100 or more beds (rated capacity) and in excess of 80% of capacity in jails of up to 100 beds (rated capacity). Ninety percent capacity of the County Detention Facility is 344.

TABLE 1
POPULATION COUNTS
CONTRA COSTA COUNTY DETENTION FACILITIES
1980-81*

<u>Month/Year</u>	<u>Main Jail**</u>	<u>Other Facilities***</u>	<u>Total</u>
September 1980	252	244	496
October	232	257	489
November	258	289	547
December	258	260	518
January 1981	253	207	460
February	270	234	504
March	263	232	495
April	341	220	561
May	361	214	575
June	359	275	634
July	365	224	589
August	368	231	599
September	387	207	594

*These counts were taken at midnight the first day of each month, September 1980 - September 1981.

**Main Jail counts from September 1980 - April 1981 include prisoners held in the Main Jail, the Branch Jail, and other county facilities on contract. As of May 1981, all County male and female pretrial prisoners are held in the new County Detention Facility. The new County Detention Facility also houses sentenced prisoners. The Rehabilitation Center and the Men's Work Furlough Facility and the Sentenced Women's Facility now house only sentenced prisoners.

***Prisoners held in other facilities include the Rehabilitation Center, Men's Work Furlough Facility, Sentenced Women's Facility, County Hospital, and out-of-County (e.g., diagnostic commitments).

II. PRISONER PROFILE CHANGES

Table 2: Prisoner Status Summary and Table 3: Summary of Profile Changes - All Prisoners summarize the profile characteristics of the prisoner population in County detention facilities in 1980 and 1981. The tables also note the percentage change between the two years.

As shown in Table 2, the total daily intake is up by ten people (28%). Felony bookings have remained constant; misdemeanor intake accounts for all of the increase in bookings. Both sentenced and unsentenced bookings are up; however, the greater percentage increase by far is in sentenced prisoners (up 71 percent, although the small number in the sentenced sample makes any conclusions difficult to draw). Of the ten additional bookings per day, about four are sentenced persons and six are unsentenced.

The number of women booked is going up faster than men by far (as a percentage), but women still comprise a small percentage of the total population.

Table 2 also provides a "snapshot" of the total County incarcerated population on an "average" day before and after the new jail opened. The average daily population in the adult detention facilities in March 1980 was 432, and in March 1981 it was 593; a 37 percent increase in prisoners housed. The percentage of the total prisoner population housed in the County's pretrial facility has risen from 40.8 percent to 60 percent.

Table 3 shows an increase in misdemeanor bookings, particularly traffic violations (up 9.8%) but a decline in the percentage of felony bookings as part of the total incarcerated population (down 6.9%).

The percentage increase in misdemeanor bookings and percentage decrease in felony bookings is true for both men and women; also the percentage change is about the same.

There are no clear patterns in the changes in the age profile between 1980 and 1981. There are some indications that the younger population is increasing slightly. Referring back to the charge data in Table 3, it may be, as various justice officials hypothesize, that these prisoners are traffic offenders who judges did not want to keep in the old jail.

In reviewing the data in Table 4: Sex Profile, by Charge Category, again the most noteworthy change is an increase in traffic violation bookings. Also, the female charge profile is closer to the male charge profile in 1981. It may be, again as some officials suggest, that judges are now more willing to hold women in the new facility.

III. CHARGE CATEGORIES AND RELEASE DATA

A. Charge Categories and Release Options

Table 5 lists release type by charge for 1980 and 1981. Data show that misdemeanants have increased as a percentage of the total unsentenced population. Traffic cases seem to account for nearly all of the increase in bookings. Total misdemeanor unsentenced prisoners are up by 36 from 1980, while traffic offenders are up by 35 from 1980. Unsentenced felons are up by only five. Data indicate

TABLE 2

PRISONER STATUS SUMMARY - 1980 AND 1981

(Sample: persons booked during March 25-31, 1980 and 1981)*

	<u>1980</u>	<u>1981</u>	<u>% Change</u>
I. Intake			
1. Total Daily Intake	35.7	45.7	+28%
2. Charge at Intake			
Felony	12.4 (35%)	12.0 (26%)	- 3%
Misdemeanor	23.3 (65%)	33.7 (74%)	+45%
3. Status at Intake			
Sentenced	5.9 (17%)	10.1 (22%)	+71%
Unsentenced	29.9 (84%)	35.4 (77%)	+18%
Unknown (1)		0.2	
4. Sex			
Male	32.1 (90%)	39.1 (86%)	+22%
Female	3.6 (10%)	6.4 (14%)	+78%
Unknown (1)		0.2	
II. Average Daily Population (Source: Captain's reports, week of March 25-31, 1981)			
	<u>1980</u>	<u>1981</u>	<u>Number/Percent Change</u>
1. Total ADP	432.3	593.2	+161 /+37%
2. Old Main Jail/CDF			
Total	176.5 (40.8%)	356 (60%)	+180 /+19.2%
Male	170.6	319.6	+149
Female	5.9	36.4	+ 30.5
3. County Hospital	1.3 (0.3%)	5.7 (1.0%)	+ 4 /+ .7%
4. Rehabilitation Center	86.4 (20%)	103.4 (17.4%)	+ 17 /- 2.6%
5. Branch Jail**	60.6 (14%)	0	- 60.6/-14%
6. Out-of-County***	46.9 (10.8%)	42.3 (7%)	- 4 /- 3.8%
7. Work Furlough			
Total	60.7 (14%)	85.8 (14.5%)	+ 20 /+ 0.5%
Male	44.6	63.8	+ 19.2
Female	16.1	22	+ 5.9

*All averages rounded to nearest tenth.

**In 1980 the Branch Jail housed pretrial prisoners who are now housed at the CDF. The Branch Jail is now part of the Rehabilitation Center and houses sentenced prisoners.

***In 1980 this category included Contra Costa prisoners housed in other county facilities on contract because no bed space was available. The County currently has no contracts with other counties for beds. In the 1981 sample, persons in the out-of-County category were at Vacaville for diagnostic evaluations, or in court in other counties, etc.

TABLE 3

SUMMARY OF PROFILE CHANGES - ALL PRISONERS

(Sample: persons booked during March 25-31, 1980 and 1981)

I. CHARGES	1980 (N=250)		1981 (N=319)		Difference in %
	No.	%	No.	%	
A. Misdemeanor					
Theft	18	(7.2%)	20	(6.3%)	-0.9
Assaults	8	(3.2%)	8	(2.5%)	-0.7
Substance Abuse	11	(4.4%)	18	(5.6%)	+1.2
Traffic	108	(43.2%)	169	(53.0%)	+9.8
Miscellaneous	16	(6.4%)	21	(6.6%)	+0.2
Total Misdemeanors	161	(64.4%)	236	(74.0%)	+9.6
B. Felony					
Theft	39	(15.6%)	35	(11.0%)	-4.6
Assault	21	(8.4%)	21	(6.6%)	-1.8
Substance Abuse	10	(4.0%)	10	(3.1%)	-0.9
Other	6	(2.4%)	9	(2.8%)	+0.4
Total Felonies	76	(30.4%)	75	(23.5%)	-6.9
C. Miscellaneous Outside Holds	13	(5.2%)	8	(2.5%)	-2.7
II. SEX					
Males					
Misdemeanors	147	(65.3%)	207	(75.5%)	+10.3
Felonies & Holds	78	(34.7%)	67	(24.5%)	-10.3
Total	(225)		(274)		
Females					
Misdemeanors	14	(56.0%)	29	(64.4%)	+8.4
Felonies & Holds	11	(44.0%)	16	(35.6%)	-8.4
Total	(25)		(45)		
III. AGE					
0-19	17	(6.8%)	23	(7.2%)	+0.4
20-24	74	(29.6%)	110	(34.5%)	+4.9
25-29	71	(28.4%)	59	(18.5%)	-9.9
30-34	31	(12.4%)	52	(16.3%)	+3.9
35-39	17	(6.8%)	28	(8.8%)	+2.0
40+	40	(16.0%)	46	(14.4%)	-1.6
Unknown			1	(.3%)	

TABLE 4

SEX PROFILE BY CHARGE CATEGORY - 1980 AND 1981

(Sample: persons booked during week of March 25-31, 1980 and 1981)

		Total Bookings		Male		Female	
		No.	%	No.	%	No.	%
I. MISDEMEANORS							
Theft	1980	18	7.2%	12	5.3%	6	24.0%
	1981	20	6.3%	16	5.8%	4	8.9%
Assaults	1980	8	3.2%	8	3.6%	-	-
	1981	8	2.5%	6	2.2%	2	4.4%
Substance Abuse	1980	11	4.4%	10	4.4%	1	4.0%
	1981	18	5.6%	16	5.8%	2	4.4%
Traffic	1980	108	43.2%	101	44.9%	7	28.0%
	1981	169	53.0%	151	55.1%	18	40.0%
Miscellaneous	1980	16	6.4%	16	7.1%	-	-
	1981	21	6.6%	18	6.5%	3	6.7%
TOTAL MISD.		161	64.4%	147	65.3%	14	56.0%
		236	74.0%	207	75.5%	29	64.4%
II. FELONIES							
Theft	1980	39	15.6%	32	14.2%	7	28.0%
	1981	35	11.0%	30	10.9%	5	11.1%
Assaults	1980	21	8.4%	20	8.9%	1	4.0%
	1981	21	6.6%	18	6.6%	3	6.7%
Substance Abuse	1980	10	4.0%	9	4.0%	1	4.0%
	1981	10	3.1%	4	1.5%	6	13.3%
Other	1980	6	2.4%	5	2.2%	1	4.0%
	1981	9	2.8%	9	3.2%	0	-
TOTAL FELONIES		76	30.4%	66	29.3%	10	40.0%
		75	23.5%	61	22.3%	14	31.1%
MISCELLANEOUS HOLDS		13	5.2%	12	5.3%	1	4.0%
		8	2.5%	6	2.2%	2	4.4%
TOTALS		250	(100%)	225	(100%)	25	(100%)
		319	(100%)	274	(100%)	45	(100%)

TABLE 5

PROPORTIONS OF UNSENTENCED PRISONERS RELEASED
BY EACH OF SEVERAL RELEASE OPTIONS

(Sample: persons booked during March 25-31, 1980 and 1981)

1980 - standard

1981 - *italics*

Release Type	Total Misdemeanors	Traffic/VC Misdemeanors	Felonies	Total All Charges and Holds
Citation Release	54 (38.6%) 74 (42.0%)	35 (37.6%) 60 (46.9%)	2 (3.2%) 2 (3.0%)	56 (26.7%) 76 (30.6%)
Bail Bond	6 (4.3%) 14 (8.0%)	5 (5.4%) 8 (6.3%)	27 (43.5%) 30 (44.8%)	34 (16.2%) 45 (18.1)
Cash Bail	20 (14.3%) 31 (17.6%)	14 (15.1%) 26 (20.3%)	- - 4 (6.0%)	20 (9.5%) 35 (14.1%)
OR	27 (19.3%) 18 (10.2%)	18 (19.4%) 14 (10.9%)	15 (24.2%) 7 (10.4%)	45 (21.4%) 25 (10.1%)
Time Served	16 (11.4%) 16 (9.1%)	14 (15.1%) 11 (8.6%)	4 (6.5%) 4 (6.0%)	21 (10.0%) 21 (8.5%)
Charges Dropped	6 (4.3%) 8 (4.5%)	- - 1 (0.7%)	4 (6.5%) 4 (6.0%)	10 (4.8%) 12 (4.8%)
Released to other agency - non-State	5 (3.6%) 5 (2.8%)	3 (3.2%) 4 (3.1%)	1 (1.6%) 6 (9.0%)	8 (3.8%) 11 (4.4%)
Released to State Agency	1 (0.7%) -	- - -	6 (9.7%) 2 (3.0%)	7 (3.3%) 3 (1.2%)
Miscellaneous	5 (3.6%) 10 (5.7%)	4 (4.3%) 4 (3.1%)	3 (4.8%) 8 (11.9%)	9 (4.3%) 20 (8.1%)
TOTALS	140 (100.1%) 176 (99.9%)	93 (100.1%) 128 (99.9%)	62 (100.0%) 67 (100.1%)	210(100.0%) 248 (99.9%)

that the number and percentage of citation releases has increased, largely in traffic cases. Cash bail has increased, especially for misdemeanors. This could be accounted for by the fact that the ten percent deposit bail is now being collected by the Sheriff's Department in misdemeanor cases.* The number of own recognizance releases is down for both felonies and misdemeanors. It may be that more misdemeanants are using cash bail and more felons are using bond.

The data in Table 6: For Unsented Prisoners Released, Proportions Within Each Release Option of Various Charge Categories show the same changes as in Table 5. Traffic bookings have increased, which appears to account for the major increase in the use of citation release; cash bail has increased, especially in misdemeanor arrests (particularly traffic); and own recognizance releases have decreased across the entire array of charges.

B. Average Length of Stay Findings

Findings on changes in the average lengths of time served prior to release via various options and for various offenses are summarized in Table 7: Average Length of Stay Prior to Release for Each Release Option and Table 8: Average Length of Stay Prior to Release for Various Charge Categories.

The average length of stay for release options that would be expected to permit early release (i.e., citation release, bail, own recognizance, charges dropped) has decreased from 1980 to 1981. (In general there is a shift from own recognizance to bail and citation mechanisms.) On the other hand, there are major increases in pretrial time served (mostly because of a few felony defendants), and releases to outside agencies. Releases to the California Youth Authority and the California Department of Corrections are up a week over the seven-week wait in 1980.

Table 9: Average Length of Stay Prior to Release for Various Charge Categories, With Release to Outside Agencies Excluded shows average length of stay (ALS) data adjusted to include only those prisoners without outside holds and transfers to other agencies pending. For unsentenced prisoners, the ALS in 1981 is 7.8 days. Removing prisoners released to outside agencies, the average length of stay drops to 5.2 days. This same drop occurs in the sentenced prisoner category, where the overall average length of stay in 1981 is 21 days; with outside agency releases eliminated, it drops to 16.6 days.

There is an increase from 1980 to 1981 in ALS for unsentenced prisoners, with releases to outside agencies excluded, from 4.6 days to 5.2 days, and a decrease in sentenced ALS from 18.7 days in 1980 to 16.6 days in 1981.

*In 1979 the Legislature passed measures providing, in misdemeanor cases, for a deposit of ten percent of bails set in the bail schedule at more than \$150 and for imposition of conditions in connection with bail release (PC 1269d). The ten percent is refundable (aside from a small fee) upon conclusion of the case.

TABLE 6: FOR UNSENTENCED PRISONERS RELEASED, PROPORTIONS WITHIN
EACH RELEASE OPTION OF VARIOUS CHARGE CATEGORIES
(Sample: persons booked during March 25-31, 1980 and 1981)

1980 - standard
1981 - *italics*

	Citation Release	Bail Bond	Cash Bail	Own Recog.	Time Served	849/Chg. Dropped	Released To Outside Agency		Misc./ Court Orders	Totals
							Non-State	State		
<u>I. Misdemeanors</u>	%	%	%	%	%	%	%	%	%	%
Petty Theft/Prop. Crimes	6 (10.7)* 2 (2.7)	1 (2.9) 2 (4.5)	1 (5) 2 (5.7)	4 (8.9) 0 (0)	1 (4.8) 0 (0)	- 0 (0)	1 (12.5) 1 (14.3)	1 (14.3)	1 (11.1) 0 (0)	16 (7.6) 7 (3.1)
Assaults, Crimes v. Persons	1 (1.8) 4 (5.4)	- 1 (2.3)	3 (15) 0 (0)	1 (2.2) 0 (0)	- 0 (0)	- 0 (0)	- 0 (0)	-	- 1 (7.1)	5 (2.4) 6 (2.7)
Substance Abuse Violations	6 (10.7) 4 (5.4)	- 0 (0)	1 (5) 2 (5.7)	- 1 (4.0)	- 3 (20.0)	4 (40) 6 (54.5)	- 0 (0)	-	- 1 (7.1)	11 (5.2) 17 (7.6)
Traffic Viol./ Veh. Code	35 (62.5) 58 (78.4)	5 (14.7) 8 (18.2)	14 (70) 26 (74.3)	18 (40.0) 14 (56.0)	14 (66.7) 10 (66.7)	- 1 (9.1)	3 (37.5) 4 (57.1)	-	4 (44.4) 3 (21.4)	93 (44.3) 124 (55.1)
Miscellaneous	6 (10.7) 4 (5.4)	-- 3 (6.8)	1 (5) 1 (2.9)	4 (8.9) 3 (12.0)	1 (4.8) 2 (13.3)	2 (20) 1 (9.1)	1 (12.5) 0 (0)	-	- 4 (28.6)	15 (7.1) 18 (8.0)
Total Misd.	54 (96.4) 72 (97.3)	6 (17.6) 14 (31.8)	20 (100) 31 (88.6)	27 (60.0) 18 (72.0)	16 (76.2) 15 (100.0)	6 (60) 8 (72.7)	5 (62.5) 5 (71.4)	1 (14.3)	5 (55.6) 9 (64.3)	140 (66.7) 172 (76.4)
<u>II. Felonies</u>										
Theft & Prop. Crimes	-	13 (38.2) 12 (27.3)	- 0 (0)	9 (20.0) 4 (16.0)	2 (9.5) 0 (0)	3 (30) 1 (9.1)	1 (12.5) 1 (14.3)	3 (42.9)	1 (11.1) 3 (21.4)	32 (15.2) 21 (9.3)
Assaults & Robberies	2 (3.6) 1 (1.4)	7 (20.6) 5 (11.4)	- 3 (8.6)	3 (6.7) 1 (4.0)	1 (4.8) 0 (0)	1 (10) 2 (18.2)	- 0 (0)	1 (14.3)	2 (22.2) 1 (7.1)	17 (8.1) 13 (5.8)
Substance Abuse Violations	- 0 (0)	2 (8.8) 9 (20.5)	- 0 (0)	3 (6.7) 0 (0)	1 (4.8) 0 (0)	- -	- 1 (14.3)	2 (28.6)	- 0 (0)	9 (4.3) 10 (4.4)
Other	- 1 (1.4)	4 (11.8) 3 (6.8)	- 1 (2.9)	- 2 (8.0)	- 0 (0)	- -	- 0 (0)	-	- 1 (7.1)	4 (1.9) 8 (3.6)
Total Felony	2 (3.6) 2 (2.7)	27 (79.4) 29 (65.9)	- 4 (11.4)	15 (33.3) 7 (28.0)	4 (19) 0 (0)	4 (40) 3 (27.3)	1 (12.5) 2 (28.6)	6 (85.7)	3 (33.3) 5 (35.7)	62 (29.5) 52 (23.1)
<u>III. Misc. Holds**</u>	- 0 (0)	1 (2.9) 1 (2.3)	- 0 (0)	3 (6.7) 0 (0)	1 (4.8) 0 (0)	- 0 (0)	2 (25.0) 0 (0)	-	1 (11.1) 0 (0)	8 (3.8) 1 (0.4)
TOTALS	56 74	34 44	20 35	45 25	21 15	10 11	8 7	7 0	9 14	210 225

*All percentages are percentages of the column totals.

**"Misc. Holds" refers to cases in which the basis for detention is for some administrative agency action, such as Immigration Hearing or Parole Revocation Hearing. If the prisoner was arrested on an outside warrant for specific criminal charges, the prisoner was classified according to the criminal charge.

TABLE 7

AVERAGE LENGTH OF STAY PRIOR TO RELEASE
FOR EACH RELEASE OPTION

(Sample: persons booked during March 25-31, 1980 and 1981)

Release Type	1980		1981		ALS Change
	No. of Persons	Time	No. of Persons	Time	
Cite Release	56	8 hours	76	7 hours	- 1 hour
Bail Bond					
Felony & Holds	28	3.25 days	31	3.0 days	- 0.25 days
Misdemeanors	6	3.50 days	14	8 hours	- 3.2 days
Bail Cash					
Felony	0	-	4	8.25 hours	-
Misdemeanors	20	13 hours	34	18 hours	+ 5 hours
OR					
Felony	17	4.9 days	7	2.7 days	- 2.2 days
Misdemeanors	27	3.4 days	19	2.5 days	- 0.5 days
Time Served					
Unsentenced	21	14.3 days	21	37.8 days*	+23.5 days
Sentenced	29	19.7 days	62	17.3 days	- 2.4 days
Charges Dropped					
Unsentenced	10	29 hours	12	13 hours	-16 hours
Outside Holds	2	16.9 days	-	-	-
Outside - non-State	8	6 days	12	27.7 days	+21.7 days
Outside - State	16	48.5 days	6	55.6 days	+ 7.1 days
Miscellaneous	9	25.9 days	21	20.3 days	- 5.6 days
TOTALS	249	224 hours (9.3 days)	319	239 hours (10.0 days)	+ 1 day

*Five felony offenders & holds = pretrial ALS of 124 days.

TABLE 8

AVERAGE LENGTH OF STAY PRIOR TO RELEASE
FOR VARIOUS CHARGE CATEGORIES

(Sample: persons booked week of March 25-31, 1980 and 1981)

		Unsentenced		Sentenced	
		ALS	Persons	ALS	Persons
I. Misdemeanors					
Theft	1980	6.3 days	16	7.8 days	2
	1981	1.0 day	7	31.75 days	13
Assaults	1980	14.0 hours	5	51.6 days	2
	1981	30.0 hours	6	5.5 days	2
Substance Abuse	1980	7.0 hours	11	-	-
	1981	20.0 hours	17	18.0 hours	1
Traffic	1980	37.0 hours	93	8.0 hours	15
	1981	61.0 hours	128	8.5 hours	41
Miscellaneous	1980	25.0 hours	15	1.5 days	1
	1981	44.0 hours	18	6.3 days	3
Total Misdemeanors	1980	46.0 hours	140	12.1 days	20
	1981	53.0 hours	176	13.2 days	60
II. Felonies					
Theft	1980	16.2 days	32	28.9 days	9
	1981	26.3 days	31	27.5 days	4
Assault	1980	18.25 days	17	50.4 days	4
	1981	17.6 days	18	64.3 days	4
Substance Abuse	1980	24.3 days	9	86.9 days	1
	1981	27.0 hours	10	-	-
Other	1980	19.0 hours	4	15.8 days	4
	1981	46.0 hours	8	6.1 days	1
Total Felonies	1980	16.9 days	62	34.0 days	18
	1981	17.3 days	67	41.5 days	9
Miscellaneous Holds	1980	13.1 days	8	16.9 days	2
	1981	66.9 days	6	160.7 days	2
TOTALS	1980	6.3 days	210	22.1 days	40
	1981	7.8 days	249	21.0 days	71

TABLE 9

AVERAGE LENGTH OF STAY PRIOR TO RELEASE FOR VARIOUS CHARGE CATEGORIES
WITH RELEASES TO OUTSIDE AGENCIES EXCLUDED*

(Sample: persons booked during March 25-31, 1980 and 1981)

		Unsented		Sented	
		ALS	Persons	ALS	Persons
I.	<u>Misdemeanors</u>				
	1980	3.2 days	14	7.8 days	2
	Petty Theft/Property Crimes 1981	8 hours	6	31.75 days	13
	1980	14 hours	5	51.6 days	2
	Assaults/Crimes v. Persons 1981	30 hours	6	5.5 days	2
	1980	7 hours	11	-	
	Substance Abuse/Violations 1981	20 hours	17	18 hours	1
	1980	37 hours	90	8.0 days	15
	Traffic Violations 1981	61 hours	124	8.5 days	41
	1980	24 hours	14	1.5 days	1
	Miscellaneous 1981	44 hours	18	6.3 days	3
	1980	37 hours	134	12.1 days	20
	Total Misdemeanors 1981	52 hours	171	13.2 days	60
II.	<u>Felonies</u>				
	1980	9.1 days	28	10.3 days	5
	Theft and Property Crimes 1981	23.1 days	28	27.5 days	4
	1980	14.1 days	16	69.4 days	2
	Assaults and Robberies 1981	8.1 days	15	55.4 days	3
	1980	21.2 days	7	86.9 days	1
	Substance Abuse/Violations 1981	17 hours	9	0	
	1980	19 hours	4	53.7 days	1
	Other 1981	46 hours	8	0	
	1980	11.5 days	55	36.8 days	9
	Total Felonies 1981	13.1 days	60	39.4 days	7
III.	<u>Miscellaneous Holds</u>				
	1980	11.1 days	6	16.9 days	2
	1981	61.5 days	4	64.8 days	1
	1980	4.6 days	195	18.7 days	31
	TOTALS 1981	5.2 days	235	16.6 days	68

This data suggests that the Sheriff/County is paying the price for a sluggish system--pretrial felons and releases to other, especially non-State, agencies.

Several generalizations from Table 8 can be made regarding average length of stay by charge:

- . The largest category of prisoners--misdemeanor unsentenced--has a slight increase in average length of stay. All the misdemeanor charge categories have an increase in length of stay except for theft bookings, which has a significant decrease in length of stay. The length of stay for theft bookings is now within the range of the other misdemeanor bookings.
- . Felony unsentenced prisoners remain in custody about the same amount of time, although the average length of stay for the theft category is up considerably. This is offset by a large drop in the length of stay of the substance abuse category.
- . The average time to release for persons booked because of an outside hold only has skyrocketed in both the sentenced and unsentenced categories, although the number of prisoners in the outside hold category is still small.
- . Misdemeanor sentenced prisoners remain about the same amount of time, although, again, length of stay for specific charges is changing. Felony sentenced prisoners are way up in length of stay, although the number of prisoners in that category is down. Thus, the net impact on the total sentenced average length of stay is about nil.

C. Outside Holds

Persons with a hold at the time of booking were removed from the 1981 sample, and average length of stay was recalculated. Pretrial average length of stay for persons released on time served was reduced from 37.8 days to 24.25 days, and sentenced prisoners released on time served was reduced from 17.3 days to 16.8 days. The ALS for persons released to outside agencies--non-State--increased from 27.7 days to 35 days. The average length of stay for persons released to outside agencies--State--was reduced slightly from 55.6 days to 54.4 days.

Overall, persons with a hold at booking had an average length of stay of 28.6 days, three times the average length of stay for all bookings generally. This was also true for the 1980 sample where 24 prisoners had outside holds at the time of booking and the ALS was 27.3 days--again almost three times the ALS for bookings generally.

IV. REVIEW OF JAIL OVERCROWDING HYPOTHESES

Six hypotheses have been presented as possible reasons leading to the increase in bookings and/or length of stay. In analyzing the data, several comments can be made on each hypothesis.

A. Changes in Local Agency Booking, Holding or Transportation Procedures

The administrator of each local law enforcement agency was contacted to determine if there had been any change in booking, holding or transportation of prisoners since the new detention facility opened in March 1981.

There were two changes in holding and transporting of prisoners. After the suicide of a female prisoner in the Concord Jail in 1981, all female prisoners who cannot be released immediately are taken to the County Detention Facility. During a one-week period in April 1981, four Concord females were transported to the CDF. These were women who would have been kept until arraignment in the Concord Jail prior to this change in policy. Concord administrators think this procedural change is permanent due to lack of female staff to monitor female prisoners.

The second change in procedures resulted from renovation work going on at the Richmond Jail. The Richmond Jail held prisoners for several outside agencies until they were released prior to arraignment or until arraignment. These agencies were the California Highway Patrol, San Pablo Police Department (females), East Bay Regional Parks, and BART. Renovation work at Richmond began in March 1981, and outside agencies had to transport their prisoners directly to the CDF. The number of outside agency bookings into the Richmond Jail were counted for April 1980. Eighty-two persons were booked during the month. These prisoners would have otherwise been transported to the old jail in Martinez (2.7 people per day). The construction work has been completed; however, Richmond is only accepting female prisoners from San Pablo. Other agencies must continue to transport their prisoners to the new facility. Richmond Police administrators say this policy will continue for the foreseeable future.*

As indicated in Table 2, the number of women as a proportion of the population has risen. Perhaps this is due, in part, to the Concord policy of taking women to the new County Detention Facility.

The Richmond renovation project may also have had some impact on the number of bookings, particularly the increase in traffic offenders (see Table 3). The California Highway Patrol, operating in West County,

*It should be noted that several cities have changed their holding procedures since the data for this study was collected (March 1981). El Cerrito, San Pablo (male prisoners), and Kensington no longer hold their prisoners in local jails. These agencies book prisoners locally and then transport them to the new County Detention Facility. (See the Master Plan report, Physical Facilities Capabilities, March 1981, for a discussion of satellite booking and holding facilities.)

has been booking directly into the new jail rather than Richmond since March 1981. This change has, in all likelihood, accounted for some of the increase in intake.

B. Increase in Felony Arrests

In reviewing historical data from the Bureau of Criminal Statistics, felony arrests in Contra Costa County have been increasing for the last several years. Table 10: Felony and Misdemeanor Arrests, Contra Costa County shows a 17 percent increase in felony arrests from 1979 to 1980. It was hypothesized that if this increase continued in 1981, this could lead to an increase in bookings and/or length of stay, since felony defendants often spend more time in custody at both the pretrial and sentenced stages. As indicated in Table 8, the number of felony bookings remained steady between 1980 and 1981, even while the overall level of bookings was going up. Unsentenced felons have increased some, while sentenced felons have dropped.

C. Changes in Release Practices

As shown in Tables 5, 6, and 7, there have been a number of changes in release practices. However, the changes have not been in the direction of an overall increase in length of stay. For the "quick releases", the average length of stay is generally down slightly, i.e., citation release, bail, and own recognizance. The data shows that with unsentenced prisoners, a citation release is used more frequently. This appears to be largely a function of an increased number of traffic charges. Cash bail is up, particularly in misdemeanor arrests, and is actually taking a little longer (see Table 7). Own recognizance releases have decreased in number and are occurring much more rapidly than in the 1980 sample. Credit for time served is substantially increased in terms of the amount of time, especially for presentenced prisoners. They are being released 23.5 days later than in 1980 on the average, although the overall increase appears entirely due to five felony defendants and outside holds (see Table 7 footnote). Sentenced prisoners released on credit for time served are serving about 2.5 days less than in the 1980 sample. There is a major increase in the number of sentenced prisoners released in this category.

D. Increase in the Time to Transfer Prisoners to the State

There was a reduction in terms of the number of people released to State agencies--California Youth Authority and the California Department of Corrections. This is partly offset by an increase in the length of stay from 48.5 days in 1980 to 55.6 days in 1981 (see Table 7). The more serious problem seems to be in releases to other (non-State) outside agencies. The number of these cases has increased by 50 percent, and the length of stay is over three weeks longer in 1981.

TABLE 10

FELONY AND MISDEMEANOR ARRESTS, CONTRA COSTA COUNTY, 1970 - 1980

(Source: Bureau of Criminal Statistics)

Year	Felony Arrests			Misdemeanor Arrests
	Arrests	Released	Other Agency	
1970	3,772	976	54	13,244
1971	4,231	1,118	47	11,970
1972	4,377	1,161	103	12,494
1973	4,653	915	40	14,197
1974	5,382	846	90	15,008
1975	5,055	1,153	66	13,625
1976	3,953	869	66	14,483
1977	4,057	1,046	55	14,973
1978	4,375	919	35	16,160
1979	4,343	482	50	16,712
1980	5,084	591	48	20,489

Notes:

1. Drop in felony arrests from 1975 to 1976 is accounted for by change in Penal Code reducing possession of marijuana from felony to misdemeanor.
2. There was a 17 percent increase in Contra Costa felony arrests from 1979 to 1980, and a 23 percent increase in misdemeanor arrests. Statewide felony arrests rose from 256,467 in 1979 to 274,814 in 1980, a seven percent increase. There has been a 35 percent increase in felony arrests from 1970 to 1980, a 55 percent increase in misdemeanor arrests.

E. Increase in Number and Length of Stay of Drunk Drivers

The general trend, as indicated in Table 11: Drunk Driver Bookings, is that there are substantially more drunk drivers being arrested in terms of their absolute numbers and as a percentage of the bookings. This is up fairly dramatically, and perhaps where the Richmond policy change of not accepting CHP arrests is showing up. On the other hand, the average length of stay for drunk drivers has declined. It is similar to the other release data. For example, of the unsentenced prisoners, excluding those who have some kind of long waiting period, e.g., because of a hold, in 1980, they were held for nearly nine hours, and in 1981 they are being held for 5.2 hours. Similarly, for sentenced people in 1980, the average time served was 11 days, and in 1981 the average time served was 9.9 days.

F. Increase in Remands

A special study was accomplished to determine if, as was suspected, remands from the courts, because of improved jail conditions, was the source of jail overcrowding. In addition to the 1980 and 1981 sample of all persons booked during the last week of March, the same data for 1978 and 1979 was collected, as well as data on all persons released during the last week in March from 1978 to 1981. The data is displayed in Table 12: Remands as Percentage of Bookings.

There has been a steady increase in bookings generally as indicated in Table 12. The biggest increases are in the persons released (Category C) during the last week in March. The reasons for increases in this data are not clear, unless it is in some way connected with higher bookings--increased activity in all categories. It may reflect some sudden change in judicial behavior--perhaps sentencing more people to jail, perhaps less open to pretrial release--because of the new jail. However, these prisoners were booked prior to the last week in March and the booking data, in fact, reflects a decrease in the number and percentage of remands between 1980 and 1981. There has also been a reduction in the amount of time served by those prisoners who are being remanded. Table 13: Average Length of Stay of Prisoners Remanded by Courts shows about a one-fourth reduction in the length of stay from 1978 to 1981. The problem with this data is that persons who are booked on something other than a remand (e.g., on-view arrest) and remain in custody and are remanded back to the Sheriff do not show up in this sample.

TABLE 11

DRUNK DRIVER BOOKINGS
AND AVERAGE LENGTH OF STAY, 1980 AND 1981

Unsentenced

1981 Number: 82

1980 Number: 50

1981 % total unsentenced bookings: 33%

1980 % total unsentenced bookings: 23.8%

1981 ALS (all): 52.2 hours

1980 ALS (all): 41.2 hours

1981 ALS (with persons held for 2+ days excluded): 5.2 hours

1980 ALS (with/persons held for 2+ days excluded): 8.9 hours

Sentenced:

1981 Number: 24

1980 Number: 9

1981 % total sentenced bookings: 22.5%

1980 % total sentenced bookings: 33.8%

1981 ALS: 9.9 days

1980 ALS: 11.0 days

TABLE 12

REMANDS AS PERCENTAGE OF BOOKINGS, 1978-1981

(Sample: persons booked and released week of March 25-31, 1978-1981)

	A + B*			C**			Total		
	Number Booked	Remands	%	Number Released	Remands	%	No.	Remands	%
1978	201	13	6%	65	2	3%	266	15	5.6%
1979	220	28	13%	48	0	0	268	28	9%
1980	250	31	12%	94	1	1%	344	32	9%
1981	319	23	8%	110	25	23%	429	48	11.2%

*A - Booked and released same week

B - Booked test week, released later

**C - Released test week, booked earlier

TABLE 13

AVERAGE LENGTH OF STAY OF PRISONERS REMANDED BY COURTS

(Sample: persons booked and released during the week of March 25-31, 1978-1981)

1978: 15 persons x 1050 hours = 15,750 total remand hours

1979: 28 persons x 959 hours = 26,852 total remand hours

1980: 32 persons x 767 hours = 24,544 total remand hours

1981: 48 persons x 273 hours = 13,104 total remand hours

V. SUMMARY AND CONCLUSIONS

This report contains a comparison of the booking and holding procedures for the Contra Costa detention system before and after the opening of the new County Detention Facility in March 1981. This comparison is based on a booking sample for the years 1978 - 1981.

Differences between 1980 and 1981 data can be summarized as follows:

- . The number of persons booked rose from 35 to 45 per day, a 28 percent increase.
- . Felony bookings remained constant; misdemeanor intake accounts for all of the increase in bookings. Both sentenced and unsentenced bookings are up; however, the greater percentage increase is in sentenced bookings. Of the ten additional bookings per day, about four are sentenced persons and six are unsentenced.
- . The average length of stay has increased slightly but not significantly.

In reviewing the data for the last four years, it shows the incarceration rate* in Contra Costa County has been increasing at a rapid rate, approximately 10 percent per year and 15 percent between 1980 and 1981 when the new jail opened. (See Table 14: Incarceration Rate, Contra Costa County, 1978-1981 and Figure 1: Projected Incarceration Rate, Contra Costa County.) This steady and significant increase in the incarceration rate over the last four years is the reason the detention system is now overcrowded. This past trend is expected to continue. The detention system population is expected to rise by 35-75 percent over the next five years. The 1987 detention system population is forecasted for a low of 726 persons and a high of 951 persons. (See Population Projections for the Contra Costa County Detention and Corrections System, November 1981.) The total bed capacity of the current County facilities is 639.**

*The "incarceration rate" is the rate at which Contra Costa County residents become jail inhabitants. It is expressed as persons per 100,000 population per year.

**There are 386 beds at the County Detention Facility, 160 beds at the Rehabilitation Center, 72 beds at the Men's Work Furlough Facility, and 25 beds at the Sentenced Women's Facility.

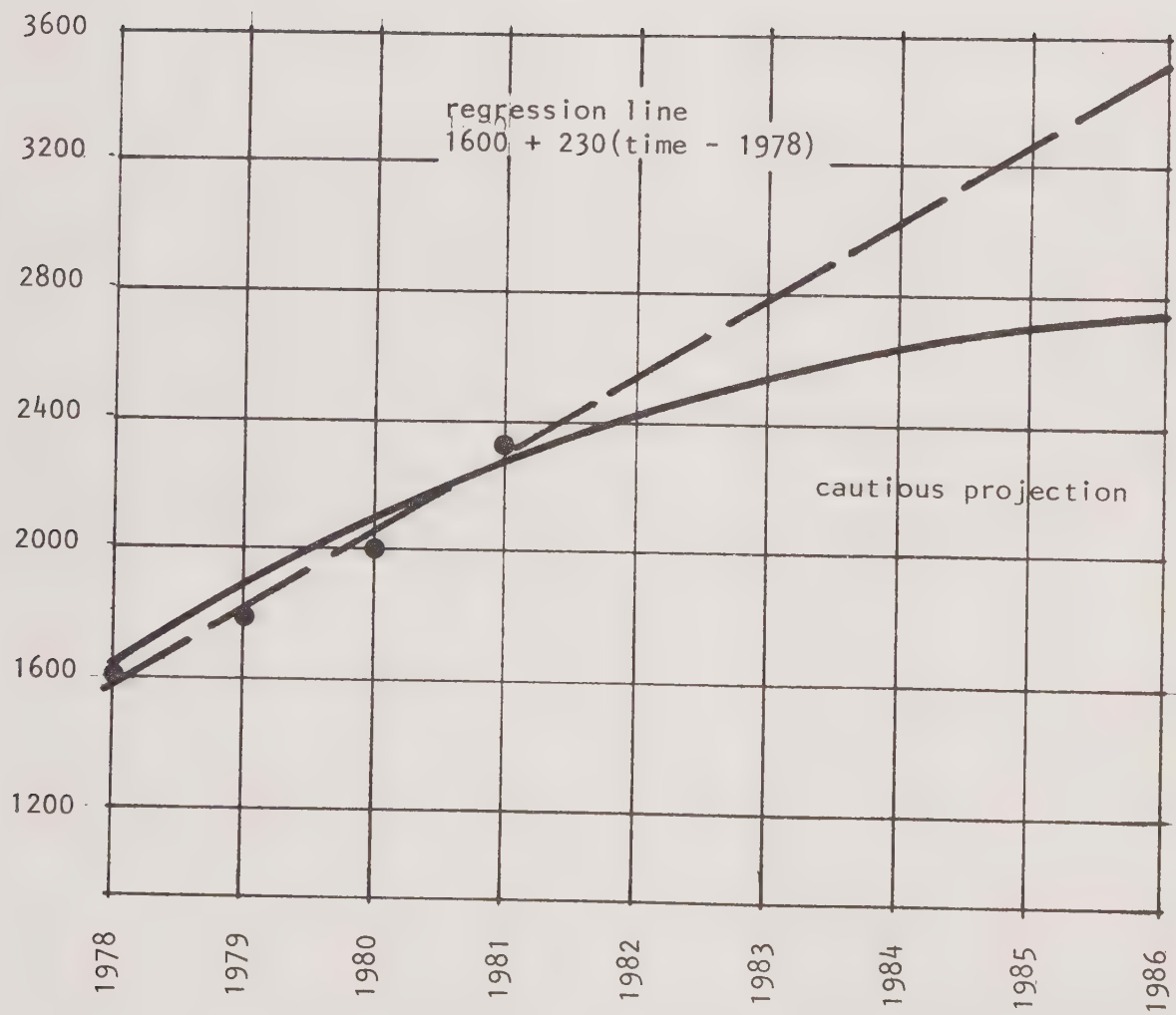
TABLE 14

INCARCERATION RATE, CONTRA COSTA COUNTY, 1978 - 1981

<u>Year</u>	<u>County Population</u>	<u>One Week Jail Admissions</u>	<u>Incarceration Rate* (prisoners per 100,000 population)</u>
1978	630,797	200	1,649
1979	640,403	220	1,786
1980	650,155	250	2,000
1981	659,907	319	2,514
	659,907	298	2,348

*The last column is found by multiplying the one-week jail admissions by 52 and dividing by the County population. There are two different estimates for 1981 because there is a one-week sample (319) and a one-month data sample (1275). Multiplying 1275 by (7/30) gives 298.

Figure 1: PROJECTED INCARCERATION RATE, CONTRA COSTA COUNTY



The increase in the incarceration rate has been happening over time and, thus, cannot be attributed directly to the opening of the new detention facility. There was, however, a larger increase in the incarceration rate in 1981 than in previous years, and the daily population at the new facility rose quickly during the first few months of operation (see p. 2).^{*} This may be related to the presumption of available beds. For example, several cities in the County have recently closed their jails and begun transporting prisoners to the new facility in Martinez. This decision was based on budget considerations, but may have been facilitated by the improved detention environment in the County facility.

Although there has been a significant increase in the incarceration rate, the average length of stay over the four-year period has remained fairly constant. There is no noticeable trend either up or down.

There have been a number of changes in release practices, but these changes have not been in the direction of an overall increase in length of stay. For "quick" release mechanisms, such as citation, bail bond, cash bail, charges dropped, own recognizance, the average length of stay (between 1980 and 1981) is generally down slightly. A special study was also conducted of the Sheriff's jail citation release procedures (see Special Report, Jail Citation Release Practices, September 1981.) Concern was expressed that once the jail opened, the number of citations issued would decrease, and the time it took to issue a citation would increase. The percentage of unsentenced misdemeanants released through citation (PC 853.6) between 1980 (38.6%) in the old jail and 1981 (41.7%) in the new jail was not substantively different. The average length of stay to release on citation dropped from eight hours to seven hours between 1980 and 1981.^{**}

Researchers also reviewed the cases of all misdemeanor arrests where no citation was issued to determine if all eligible persons were being cited. Eighty percent of the unsentenced misdemeanants not cited were held because of outstanding warrants.

The data indicates that the Sheriff is releasing a significant percentage of misdemeanor arrestees on citation release within a reasonable period of time.

It should also be noted that the County utilizes all methods of pretrial release recommended in the various current State and national research and standards, with the exception of supervised release. County decision-makers have considered supervised release, but have not recommended such a program. Research results have not indicated that persons released on supervised release are persons who would otherwise remain in custody, and persons who otherwise might have been released on their own recognizance are sometimes released through the more costly supervised release program.

^{*}It should be noted that the new detention facility houses prisoners not only from the old Main Jail, but also all the pretrial prisoners who were previously housed at the Branch Jail, some of the female prisoners previously housed at the Sentenced Women's Facility, some prisoners previously held in other county facilities on contract, and some convalescing medical and problem mental health patients previously held at the County Hospital or Napa State Hospital.

^{**}If two persons with long stays are removed from the 1981 sample, the average stay drops to 4.8 hours.

There are two divergent views regarding why a jail fills up upon opening. One view holds that because additional bed capacity is available, it is filled, and it is filled with prisoners who do not belong in jail. The other view holds that many prisoners are not held in jail only because there is not sufficient bed space.

There is no question that as soon as Contra Costa County opened the new detention facility, it reached and exceeded capacity shortly thereafter. Certainly, the experience of other jurisdictions is similar. In a recent study for the National Institute of Justice, it was found that new jails reached their rated capacity within two years of opening and were at 130 percent capacity within five years of operation.*

In reviewing data from the last four years, it could be argued that because of a substantial increase in the incarceration rate each year and a constant average length of stay, this situation could have been anticipated. The projections for the new jail were made in 1976. Because population forecasts are based on a number of assumptions that can change significantly over time, forecasts should be updated annually. At a maximum, forecasts are only useful for a five-year period. The population forecasts for the County Detention Facility were not updated before the new jail opened.

The question is really how County decision-makers want to handle the jail overcrowding problem now. There are a number of policy and program remedies which have been developed from the data analyses for the Master Plan, e.g., processing drunk drivers at detox centers rather than the jail, releasing drunk drivers to a responsible third party, incustody arraignments for all municipal court districts at the Martinez courtroom adjacent to the jail, expediting release of prisoners on outside holds, construction of additional bed capacity.

VI. RECOMMENDATIONS

It is recommended that the current program and facility planning to develop solutions to the overcrowding continue. This planning is currently being accomplished through the Master Plan Technical Task Force, the Criminal Justice Agency and the Correctional and Detention Services Advisory Commission (CADSAC).

Inmate profile and population data should continue to be collected and analyzed at least annually. Computer programs that will produce comparable data to the data contained in this report are being developed by Master Plan staff and Law and Justice Information Project staff. This data will be available in 1982 on a monthly basis and will provide the necessary data to monitor the detention and corrections population. Criminal Justice Agency staff should be responsible for collecting and analyzing the data. The analysis should be presented to the Criminal Justice Agency Board (or its successor), which includes the administrative heads of all the criminal justice agencies that impact on the jail population as well as elected officials, and CADSAC, which is the citizen's advisory commission responsible

*Abt Associates, Inc., American Prisons and Jails, Population Trends and Projections, Volume II, National Institute of Justice, 1980.

to the Board of Supervisors for monitoring and evaluating correctional facilities, programs and services in Contra Costa County.* These two bodies should, as part of their annual report to the Board of Supervisors, include a discussion of the analysis and evaluation of the corrections system population data. In other jurisdictions that have experienced the same problem as Contra Costa in reaching capacity as a new facility began operating, a forum for discussion of pretrial and jail intake policies has been successful in monitoring jail intake and developing and implementing appropriate policies and programs to relieve overcrowding.**

It is also recommended that the Sheriff appoint someone from his detention staff as an official liaison to the Municipal and Superior Courts. This person should be responsible for identifying operational problems between the Sheriff's Department and the courts in prisoner processing (e.g., transportation problems, calculation of sentenced time served, management of the ten percent cash bail program, expediting paper processing of State prisoners) and for making sure that judges are routinely kept aware of these issues either through periodic meetings with the Judges Association and/or meetings and written correspondence with individual judges.

*The Master Plan Technical Task Force will disband upon completion of the Master Plan.

**Denver Research Institute, Jail Overcrowding and Pretrial Detention: A Program Evaluation, Executive Summary, University of Denver, Denver, Colorado, November 1980, p. 14.

ADULT CORRECTIONAL FACILITIES MASTER PLAN

SPECIAL REPORT

JAIL CITATION RELEASE PRACTICES IN CONTRA COSTA COUNTY

September 1981

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I. INTRODUCTION

California Penal Code Section 853.6 provides for the release of persons arrested for a misdemeanor on a written notice to appear in court. These notices, or citations as they are commonly called, can be issued in the field by the arresting officer or at the jail by the booking officer. Whenever a person arrested for a misdemeanor is not released pursuant to PC 853.6, the arresting officer must indicate the reason for such nonrelease.

It was established during the planning process for the new County Detention Facility that Contra Costa County released a high percentage of unsentenced misdemeanants through jail citation.* Concern was expressed that, once the jail was opened, the number of citations issued would decrease, and the time it took to issue a citation would increase. It was hypothesized that the high number of citations was due to the overcrowded conditions at the old Main Jail. If the hypothesis held true, it would lead to overcrowding at the new facility because the County Detention Facility capacity was based on a continuation of the citation release practices at that time.

A special study was undertaken for the Correctional Facilities Master Plan to compare citation release practices before and after the opening of the new jail and to determine if the maximum number of eligible persons was being released as quickly as possible.

Data from bookings and releases were collected for the last week in March for the years 1978 - 1980, when the old jail was operational. The same data was collected for the same week in March 1981, after the new jail was opened.

II. AVERAGE LENGTH OF STAY TO CITATION RELEASE

TABLE 1

JAIL CITATION RELEASES

(Sample: persons booked during March 25-31)

Year	Number/Persons	ALS/Hours
1978	47	5
1979	50	6
1980	56	8
<hr/>		
1981	76	7

*Facility Sciences Corporation, Contra Costa County Detention Facility Services Program, December 1976, p. II-2.

Table 1 shows a slight increase over the last several years in the average length of stay for persons released through citation, but it is unrelated to the opening of the new jail. In fact, the average dropped an hour between 1980 and 1981. The 1981 average of seven hours was higher than the 4-6 hours it took to release persons in the February and March 1976 sample used for jail planning purposes.*

Averages can be misleading if there are a small number of cases that skew the average in one direction or the other. In reviewing the 1981 data, two cases remained in the jail for long periods of time prior to release through citation. If these two cases with stays of 109 and 68 hours are removed from the sample, the average length of stay drops to 4.8 hours. (If the six persons in the citation release sample of 76 persons with stays over ten hours are removed, the average length of stay drops to 3.8 hours.) This is consistent with the 4-6 hours it took to release persons on misdemeanor citations in the February and March 1976 sample.

Table 2 shows the average length of stay by charge for persons released through citation in the 1981 sample. Over 60 percent of the citations were issued to drunk drivers who were released after they sobered up.

TABLE 2

AVERAGE LENGTH OF STAY BY CHARGE
FOR PERSONS RELEASED THROUGH CITATION, 1981

(Sample: persons booked during March 25-31, 1981)

Charge	Persons	ALS
Petty Theft/Property Crimes	2	56
Assaults/Crimes v. Persons	5	4
Substance Abuse Violations	6	6
Traffic Violations/Vehicle Code*	59	6
Miscellaneous	4	5

*48 of the 59 arrests were for drunk driving.		

For persons released through jail citation in the 1981 sample, each file was reviewed to determine why the person was not cited in the field. As indicated in Table 3, over 75 percent of the persons were intoxicated (the majority (48 persons) being drunk drivers). Several records (6) had no explanation, and it is recommended that booking officers be reminded to have the arresting officer write an explanation for all persons not cited in the field.

*Ibid.

TABLE 3

REASONS MISDEMEANOR ARRESTEES WERE NOT CITED IN THE FIELD
(FOR PERSONS WHO RECEIVED A CITATION AT THE JAIL) 1981

(Sample: persons booked during March 25-31, 1981)

<u>59</u>	1. Arrestee is so intoxicated, he is a danger to himself or others.
<u> </u>	2. Arrestee requires medical attention or is otherwise unable to care for his own safety.
<u> 3 </u>	3. Arrestee is charged with one or more offenses listed in Section 40302 of the California Vehicle Code.
<u> 2 </u>	4. There is an outstanding arrest warrant for the arrestee.
<u> </u>	5. Arrestee lacks satisfactory evidence of personal identification.
<u> </u>	6. Prosecution of the offense(s) the person was arrested for or the prosecution of another offense would be jeopardized by the arrestee's immediate release.
<u> 4 </u>	7. It is likely the offense(s) will continue or resume, or the safety of persons or property will be imminently endangered by release of the arrestee.
<u> </u>	8. Arrestee demanded to be taken before a magistrate or refused to sign the notice to appear.
<u> 1 </u>	9. Additional reason/information.
<u> 6 </u>	No explanation.
<u> 1 </u>	Citizen arrest.

III. NUMBERS RELEASED THROUGH JAIL CITATION

The percentage of unsentenced misdemeanants released through citation between 1980 (38.6%) in the old jail and 1981 (41.7%) in the new jail was not substantially different. This percentage, however, was lower than the 60 percent released through citation in the 1976 study.* This difference could be the result of differences in data collection methodologies and/or analyses or changes in procedures, such as an increase in field and/or local jail citations. Thus, to determine if the maximum number of eligible persons were released through citation, researchers reviewed each case file of unsentenced misdemeanants in the 1981 booking sample who were not jail cited.

As demonstrated in Table 4, 80 percent of the unsentenced misdemeanants not cited were held because they had outstanding warrants.

*Ibid.

TABLE 4

REASONS FOR DENIAL OF CITATION RELEASE, 1981
(Sample: persons booked during March 25-31, 1981)

- 6 1. Arrestee is so intoxicated, he is a danger to himself or others.
2. Arrestee requires medical attention or is otherwise unable to care for his own safety.
3. Arrestee is charged with one or more offenses listed in Section 40302 of the California Vehicle Code.
- 78 4. There is an outstanding arrest warrant for the arrestee.
5. Arrestee lacks satisfactory evidence of personal identification.
6. Prosecution of the offense(s) the person was arrested for or the prosecution of another offense would be jeopardized by the arrestee's immediate release.
7. It is likely the offense(s) will continue or resume, or the safety of persons or property will be imminently endangered by release of the arrestee.
8. Arrestee demanded to be taken before a magistrate or refused to sign the notice to appear.
- 13 9. Additional reason/information (state specifically): 9 Remand by courts, 1 Probation hold, 1 Refused to cooperate, 1 Non-payment of fines, 1 Multiple FTAS.

Table 5 shows the average length of stay by charge for persons arrested on misdemeanors who could have been cited except for an outstanding warrant.

TABLE 5

MISDEMEANOR ARREST CHARGE FOR PERSONS NOT
CITED BECAUSE OF OUTSTANDING WARRANTS

(Sample: persons booked during March 25-31, 1981)

Charge	Persons	ALS
Petty Theft/Property Crimes	3	160
Assaults/Crimes v. Persons	1	164
Substance Abuse Violations	5	48
Traffic Violations/Vehicle Code	59	88
Miscellaneous	10	49

IV. SUMMARY AND CONCLUSIONS

California Penal Code Section 853.6 provides for the release of persons arrested for a misdemeanor on a written notice to appear in court, commonly called a citation release.

Contra Costa County releases a significant proportion of misdemeanor arrestees through the citation process. A booking sample for the years 1978 - 1981 was collected to compare citation release practices before and after the opening of the new jail to determine if citation practices had changed. The conclusion of this study is that the Sheriff's citation release practices have not changed since the new jail opened, and the Sheriff is releasing a significant percentage of persons on citation release within a reasonable period of time (slightly under five hours in 1981).

V. RECOMMENDATIONS

Eighty percent of the misdemeanor arrestees not released through the jail citation process had outstanding warrants.

Data from this study supports the earlier recommendation in the Master Plan report Alternatives to Incarceration (p. 19) that means of expediting the clearance of holds and warrants should be explored. Holds have a major impact on jail populations, increasing average lengths of stay by 20 percent or more. Such efforts could include purely local reforms; for example, cite releasing prisoners with only "local" traffic warrants outstanding; as well as statewide reforms, such as quicker transfer of prisoners to the jurisdiction originating the hold.

Also recommended in the report on Alternatives to Incarceration was further research into the costs and benefits of taking drunk drivers to a detox center rather than to jail. Data from this special study also supports the need for such an analysis. Tradeoffs to be realized with regard to this proposal include reduced work for jail personnel, but increased work for detox centers. It was also recommended that the Sheriff have a volunteer and/or staff member call a responsible party to pick up the arrestee at the jail immediately after booking to reduce the seven-hour average length of stay to citation release for drunk drivers.

It is recommended that the Sheriff monitor monthly the average length of stay for citation release to insure that the average remains between 4-6 hours. A program is currently being developed through the Law and Justice Information System Project to present monthly inmate summary statistics, including average length of stay for citation release. This should considerably ease the burden of such monitoring.

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AD HOC COMMITTEE ON CORRECTIONAL FACILITY CONSTRUCTION FINANCING - Members follow:

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JIM BARNETT, Department of the Youth Authority, Community Corrections Division, Sacramento

JOHN DIETLER, Director, California Correctional Industries Commission, Sacramento

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CORRECTIONAL AND DETENTION SERVICES ADVISORY COMMISSION

CRIMINAL JUSTICE AGENCY OF CONTRA COSTA COUNTY PLANNING BOARD

INTERNAL OPERATIONS COMMITTEE, BOARD OF SUPERVISORS, CONTRA COSTA COUNTY

MUNICIPAL COURT JUDGES' ASSOCIATION, CONTRA COSTA COUNTY

PROGRAM MEETINGS, DETENTION DIVISION, SHERIFF-CORONER, CONTRA COSTA COUNTY

STAFF MEETING, COUNTY ADMINISTRATOR'S OFFICE, CONTRA COSTA COUNTY
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